

VOLUME II of II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable R. Markley Dennis, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

THERRON RENARD RICHARDSON,

APPELLANT

APPELLATE CASE NO 2019-000114

RECORD ON APPEAL

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INDEX

INDEX	i
SUPPRESSION HEARING TRANSCRIPT DATED JANUARY 10, 2019	1
MOTION TO SUPPRESS (CALL TO ORDER)	5
TESTIMONY	
TONIA MALLETTE (IN-CAMERA)	
Direct Examination by Ms. Frierson	6
Cross-Examination by Mr. Davis	15
Re-Direct Examination by Ms. Frierson	22
Re-Cross Examination by Mr. Davis	24
JASON BOWEN (IN-CAMERA)	
Direct Examination by Mr. Sowards	25
Cross-Examination by Mr. Davis	42
JULIUS DWAYNE ALEXANDER (IN-CAMERA)	
Direct Examination by Mr. Sowards	110
Cross-Examination by Mr. Davis	119
THOMAS PLYLER (IN-CAMERA)	
Direct Examination by Mr. Sowards	133
Cross-Examination by Mr. Summa	137
WILLIAM EARL BUNN (IN-CAMERA)	
Direct Examination by Mr. Davis	139
Cross-Examination by Mr. Sowards	152
MIRIAM COUSINO (IN-CAMERA)	
Direct Examination by Mr. Davis	153
Cross-Examination by Mr. Sowards	162
Re-Direct Examination by Mr. Davis	163
ARGUMENT BY MR. DAVIS	164
RESPONSE BY MR. SOWARDS	186
TRIAL TRANSCRIPT DATED JANUARY 14-16, 2019	193
MOTION TO RECUSE	197
RULING BY THE COURT	200

MOTIONS IN LIMINE	203
OPENING STATEMENT BY MR. SOWARDS	240
OPENING STATEMENT BY MR. DAVIS	243
TESTIMONY	
TONIA MALLETT	
Direct Examination by Ms. Frierson	247
Cross-Examination by Mr. Davis	257
Re-Direct Examination by Ms. Frierson	259
Re-Cross Examination by Mr. Davis	262
JASON BOWEN	
Direct Examination by Mr. Sowards	265
OBJECTIONS TO PHOTOGRAPHS	280
RULING BY THE COURT	282
TESTIMONY	
JASON BOWEN (CONT'D)	
Direct Examination by Mr. Sowards	286
Cross-Examination by Mr. Davis	291
Re-Direct Examination by Mr. Sowards	303
JULIUS ALEXANDER	
Direct Examination by Ms. Frierson	306
Cross-Examination by Mr. Davis	316
Re-Direct Examination by Ms. Frierson	320
OBJECTIONS TO PHOTOGRAPHS	323
TESTIMONY	
FLETCHER FERGUSON	
Direct Examination by Mr. Mr. Sowards	339
OBJECTIONS TO WILLIAM BUNN'S TESTIMONY	374

TESTIMONY

WILLIAM EARL BUNN

Direct Examination by Mr. Sowards	383
Cross-Examination by Mr. Davis	387

COURT'S EXPLANATION OF ABSENT WITNESS TESTIMONY	394
---	-----

RECITATION OF ROBERT HESS'S TESTIMONY	396
---	-----

TESTIMONY

BRENT ROY

Direct Examination by Mr. Sowards	397
---	-----

ANITA MOORE

Direct Examination by Mr. Sowards	403
Cross-Examination by Mr. Summa	413

THOMAS PLYLER

Direct Examination by Mr. Sowards	416
Cross-Examination by Mr. Summa	428
Re-Direct Examination by Mr. Sowards	436

ANDREA MONIZ

Direct Examination by Ms. Frierson	438
Cross-Examination by Mr. Davis	446

STATE RESTS	447
-------------------	-----

MOTION FOR A DIRECTED VERDICT	450
-------------------------------------	-----

RULING BY THE COURT	450
---------------------------	-----

ADVICE OF RIGHTS	454
------------------------	-----

DEFENSE RESTS	465
---------------------	-----

RENEWED MOTION FOR DIRECTED VERDICT	467
---	-----

RULING BY THE COURT	467
---------------------------	-----

CHARGE CONFERENCE	469
-------------------------	-----

STIPULATION READ INTO THE RECORD	478
--	-----

STATE RESTS	479
DEFENSE RESTS	479
CLOSING ARGUMENT BY MR. SOWARDS	481
CLOSING ARGUMENT BY MR. DAVIS.....	496
CLOSING REPLY ARGUMENT BY MR. SOWARDS.....	509
CHARGE ON THE LAW	513
JURY NOTE.....	536
ADDITIONAL JURY INSTRUCTION	538
JURY NOTE.....	540
COLLOQUY.....	541
ADDITIONAL JURY INSTRUCTION	548
VERDICT	554
JURY POLL.....	556
RENEWAL OF ALL MOTIONS	560
RULING BY THE COURT.....	560
SENTENCING	567
COURT'S EXHIBIT NO. 1 (EMAIL FROM JUDGE YOUNG).....	570
STATE'S EXHIBIT NO. 1 (SEARCH WARRANT)	571
STATE'S EXHIBIT NO. 5 (CAD REPORT)	577
INDICTMENTS	583
CERTIFICATE OF COUNSEL	589

**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 3 (911 CALL)**

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 someone leaving, shutting the door, setting the alarm,
2 shutting the door, and leaving at the back of the house
3 where nobody sees it, where no neighbors view this.

4 That is consistent with the setup, with the frame.
5 You don't have to believe that as gospel, but they have
6 to convince you that didn't happen and that it's
7 plausible. And if there's more than one story that's
8 plausible, then that is doubt; that is reasonable doubt
9 that is not guilty.

10 One final thing on that. When you're determining
11 whether that's plausible, do keep in mind that Deputy
12 Bowen had entered a school, lied about why and how he
13 entered, and then admitted to it later. Here they want
14 you to believe it's open, we didn't have to mess with it,
15 it was already open. No, it wasn't. That's what set off
16 the alarm. That's what set off the alarm.

17 Another concern that you ought to be worried about
18 are the private calls between law enforcement. There are
19 -- there's dispatch. There are recordings from dispatch
20 which you didn't get to hear, but there are. They
21 recorded the 911 call and every radio call from law
22 enforcement.

23 But what's not recorded are private calls phone to
24 phone. Detective Plyler and Deputy Bowen talked twice.
25 They told you about the gist of it, but they talked

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 twice. When? When? What we can say for sure is, again,
2 State's Number 5, the Computer Aided Dispatch. You'll
3 have this.

4 When Bowen is done, it's all clear nobody's been
5 found he radios in all clear. You have that on here.
6 Resume normal traffic. Let the radio clear again.
7 That's at 11:33 and 29 seconds. We've searched the whole
8 house, don't find anybody. They claim during that search
9 is when they see the scales with residue. They're done.

10 Sometime between then and when Deputy -- Detective
11 Plyler gets a search warrant signed at 1:45 p.m. -- 11:33
12 to 1:45; two hours. Sometime in that two hours, they
13 have two phone calls. We don't know what was said. He
14 gave you a summary about what information he would have
15 been provided, but we don't know what was said.

16 And we don't know when it was. So we've got two
17 hours of law enforcement in Mr. Richardson's residence.
18 He doesn't arrive on scene with a search warrant until
19 about 2:00, 2:12 in the afternoon.

20 The County does have a vested interest in these
21 types of cases, too. In addition to what -- the illegal
22 -- the drugs that they claim are Mr. Richardson's, in
23 addition to that, and of course they don't have it here
24 today, all valuable property. All valuable property,
25 including that truck, they seized and they get to keep

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 and/or sell. They have a financial interest in these
2 types of cases. That's motive. That's motive to not be
3 honest and truthful to y'all.

4 I know it's asking a lot, but Detective Plyler, an
5 experienced officer in narcotics, told you that he's
6 known -- and it's the law -- in South Carolina,
7 trafficking is anything over 10 grams. Trafficking is
8 anything over 10 grams.

9 He says he made two phone calls from Detective
10 Bowen, so I can fill out the search warrant affidavit. I
11 need to know the address; I need to know the description
12 of the property; I need to know what we're searching for;
13 I need to know why we're searching for it.

14 He says he was told residue tested positive, cash,
15 and guns. I swear that to a Magistrate, a Magistrate
16 signs off on it, I go. Basing it on that positive test
17 on residue, residue, dusting, on the scales. That's what
18 they have. That's not more than 10 grams. And yet his
19 search warrant -- he admitted his search warrant says,
20 they are searching for a quantity of illegal drugs --

21 MR. SOWARDS: Objection, Your Honor.

22 THE COURT: What's the objection ---

23 MR. SOWARDS: --- he's arguing facts not in
24 evidence.

25 THE COURT: But the search warrant is not an

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 admitted document.

2 MR. DAVIS: His response to cross-examine was.

3 THE COURT: It's not -- is the search warrant an
4 evidentiary -- is it in evidence?

5 MR. DAVIS: No, sir.

6 THE COURT: Then you may not read from the search
7 warrant. You can argue it ---

8 MR. DAVIS: --- yes, sir ---

9 THE COURT: --- the issuance of it, but not publish
10 from the contents.

11 MR. DAVIS: Yes, sir.

12 Detective Plyler told you that he indicated
13 trafficking before he went to the Magistrate. Well, you
14 can't know it's trafficking unless you know you have more
15 than 10 grams. So what was said on those two calls? We
16 don't know because they were never recorded.

17 So either he was told more than 10 grams on the call
18 -- no, his explanation is, well, that's -- you know, it's
19 a form that we use, it just -- it was just a mistake. Or
20 they knew what they had. Or they knew what they had.
21 And that's a problem.

22 To contrast that, if Mr. Richardson is not a
23 landscaper or a part-time landscaper, bottom line is he's
24 a drug dealer dealing in two kilograms of cocaine what
25 else would we have? Ask yourselves that. What else

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 would we have? I'll tell you what the County got. And
2 you'll have pictures of it. They have two computers; a
3 desktop computer and then there's a laptop. You'll have
4 a photo of them. Two computers. Don't you know if there
5 was anything on those two computers connecting him to
6 drug dealing, you'd have known about it?

7 A ledger, client list, emails setting up buys,
8 emails setting up resupply. Any type of thing on either
9 one of those computers, you'd know about them. From two
10 phones they seized, did a search of the phones. Again,
11 if there was anything on them, you would know about it.
12 Wouldn't there be?

13 They are painting him as a trafficker having two
14 kilograms of cocaine. Wouldn't they, on the items, the
15 guns, the cocaine, wouldn't they have gotten a print of
16 his? Just one. If they had, they'd tell you. They
17 don't. The guns in the big bin, any of the bags, they
18 don't have a single print connecting to Mr. Richardson.

19 Now, that's a lot of cocaine.. Superficially, we've
20 got guns, we have cash, we've got a bunch of cocaine.
21 Superficially, that looks bad.

22 Just a couple more things that I'd ask you to
23 consider when you deliberate; a couple more things. Four
24 ounces. They claim this is a cut to expand your product.
25 He's dealing in kilograms. Four ounces. That doesn't

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 make this [indicates]. No empty other bottles anywhere,
2 no bottles in the trash or nothing like that.

3 A vacuum sealer. Wow. That's evidence of guilt.
4 Here's the kitchen cabinet when they arrive [indicates].
5 They bust it open and they find a vacuum sealer. Yeah,
6 he uses this to seal up his bag of drugs. Really? Is
7 there any residue on that? Is there any positive test of
8 residue at all on that? Is there his fingerprints on
9 that? If he used that to seal and reseal the bags of
10 drugs, then here's what you don't have to have; rice.
11 You just seal it and reseal it.

12 Let's talk about this picture a second. This is
13 State's 33. I don't know if you have ever dropped your
14 phone in water and then it starts acting up and the
15 remedy is to put it in a bunch of rice. It actually
16 works. But you don't lay it on top. You submerge it.

17 That's real nice for a photo, isn't it? There's no
18 testimony that they had to dig down in the rice and get
19 it. None. There's no prints on this bin. There's no
20 prints on those bags. Displayed very nicely.

21 Let me tell you what else is displayed very nicely.
22 State's 12; closet with a locked safe. You'll see other
23 pictures. They had to bust it open. Locked safe. Don't
24 know what's in it. Oh, you know what though? Here's
25 some cash to lay out right in front of it. Put it back

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 right in front of it. That's easy to see and take a
2 photo of. Displayed very well.

3 There's no testimony that any of that cash is marked
4 or belonged to the County narcotics. There's no trace
5 that they have of that money back to any sales. Now,
6 remember, there's a closet on the master bedroom and the
7 bathroom in the master bedroom, and a 911 call, I'm in
8 the front bedroom. Knew exactly where to take them;
9 exactly where to take it.

10 I don't have answers to those questions. Mr.
11 Richardson doesn't have answers to those questions. More
12 importantly, the State doesn't have answers to those
13 questions and if they don't, then you don't. As much as
14 the solicitor stole a line from my opening, and I don't
15 blame him; I'm going to steal a line from his closing.
16 This cable is fraying quickly.

17 This cable is fraying quickly, and it cannot support
18 this doubt. Bogus call that sets this all up. Bogus
19 explanation of the entry. And that matters because all
20 of the evidence up here you get to analyze. Bogus entry
21 on that, secretive calls, searching for trafficking in
22 the search warrant, went to exactly where the caller told
23 them to go, bags on top of the rice, money in front of
24 the locked safe. Come on, folks. This is a setup. He's
25 been framed. You still have doubts? You should. And

State v Therron Renard Richardson
Closing Arguments-Remarks by Mr. Davis
January 16, 2019

1 that's okay, and that is right, and that is proper, based
2 on what's been presented to you. The questions and the
3 holes and the unanswerable questions is a rise as to
4 reasonable doubt.

5 Mr. Richardson is not guilty of having cocaine, or
6 any of these charges. He's not guilty, and you need to
7 say so.

8 THE COURT: Thank you, Mr. Davis.

9 MR. DAVIS: Thank you, Your Honor.

10 THE COURT: Mr. Sowards?

11 MR. SOWARDS: Thank you, Your Honor.

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State v Therron Renard Richardson
Closing Arguments-Reply by Mr. Sowards
January 16, 2019

CLOSING ARGUMENT REPLY

MR. SOWARDS: I would like to address first the issue of whether the Defendant was framed. Mr. Davis just posited this story to you that this was a setup, that he's being framed.

So that would require you to believe that the Defendant owned this residence, that someone knew he owned this residence, that person went to the house with two kilos of cocaine, put them under the bed next to his guns, put them in the rice. That way, if it takes the police a while to get there, you know, they won't be affected by moisture.

That person then takes scales and bags and cut and more drugs and spoons and puts it in his bathroom in different drawers. That person then spreads cash on the floor. Goes and arms the alarm. Leaves the door but leaves it unlocked. Goes downtown and calls police and says, I'm being assaulted; you need to respond to this residence.

Mr. Davis read some stuff from the ADT event history. I alluded to this earlier. What he didn't read to you is that ADT contacted Therron Richardson right when the deputies went in the house. And you know what he told them?

MR. DAVIS: Objection, Your Honor. May we approach?

State v Therron Renard Richardson
Closing Arguments-Reply by Mr. Sowards
January 16, 2019

1 THE COURT: Is that on the document?

2 MR. DAVIS: It is, Your Honor.

3 THE COURT: You can approach, but what's...

4 [Whereupon, an off-the-record bench conference is
5 held]

6 THE COURT: The objection is inconsistent with the
7 testimony, is -- or the evidence is overruled.

8 You may proceed.

9 MR. SOWARDS: Here's what he told them: Don't
10 come, disregard the alarm. Therron Richardson stated
11 disregard, stated everything's okay. He told them that
12 twice, don't come. Why would he not want the police to
13 come to his house? Because he knew what they would find.
14 He came. And when he saw the police there, parked on the
15 street, walked over to the house, and then left.

16 Regarding the 911 call -- I touched on this a little
17 earlier -- but Mr. Davis said that it shows the
18 dispatcher where the caller is located. It does not. It
19 shows the dispatcher the tower.

20 Mr. Davis also talked about how the threshold for
21 trafficking is 10 grams. Well, this is 2,000, so that's
22 over 200 times the threshold.

23 He also talked about the Defendant's business. He
24 was getting business-related mail, his business license;
25 he had his work truck and his lawn equipment. I think

State v Therron Renard Richardson
Closing Arguments-Reply by Mr. Sowards
January 16, 2019

1 it's possible for people to have two businesses. You
2 have your legitimate lawn-care business with your truck
3 that doesn't work and your lawn tools that are old and in
4 disrepair. Then you have your more profitable business.
5 You have your drug-trafficking distribution business.

6 The other thing about the 911 call is he said you
7 don't know the who, what, when, where, why. I would
8 submit to you that we know at least a little bit of the
9 why. Perhaps the person who called 911 knew that the
10 police would respond, and they knew that when the police
11 responded they'd find drugs in his home.

12 And, finally, as Judge Dennis stated in his opening
13 remarks to the jury, we all play different roles. Judge
14 Dennis is the judge of the law, you are the judge of the
15 facts, and Mr. Davis and I are advocates. And there are
16 times during the trial when Judge Dennis makes legal
17 rulings that we're bound to follow.

18 When we started this trial, you all as jurors took
19 an oath that you would apply the facts to the law.
20 Whether Mr. Richardson was set up, we can't say. But
21 what we can say is that the Charleston County Sheriff's
22 Department had a legitimate reason to enter that home and
23 clear it of occupants. While they were legitimately
24 inside that home, they noticed items that appeared to be
25 drug related. When they obtained the search warrant,

State v Therron Renard Richardson
Closing Arguments-Reply by Mr. Sowards
January 16, 2019

1 they found a significant quantity of drugs, guns and
2 cash. The only evidence available to you shows that's
3 Mr. Richardson's. It was his house.

4 And again, I think if you look closely at the facts,
5 you see how he responded when he learned that his alarm
6 was triggered. When you look at what they found and
7 where they found it, I believe you will render a verdict
8 of guilty on all three charges. Thank you.

9 THE COURT: Thank you, Mr. Sowards.

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State v Therron Renard Richardson
Jury Charge
January 16, 2019

JURY CHARGE

THE COURT: All right ladies and gentlemen, now if I could have your attention. My responsibility, of course, as we've stated throughout, to give you the law which you have promised that you will accept and apply fairly and impartially to those facts that you will determine very shortly when you begin your deliberations in this process. And once you've done that, you will certainly perform the task that you accepted.

Both the State and Mr. Richardson expect that you will, when so instructed, conscientiously evaluate and consider all the evidence, and decide what you find to be true facts in this dispute and then, once making that decision, take this law and apply it and report your decision. When you've done that, both the State and Mr. Richardson will have received a fair and impartial determination in this dispute.

Now, during my instruction you may hear me use the word Defendant from time to time. I will tell you that that's just referencing Mr. Richardson. It means nothing other than to designate a party. And we use it. Defendant simply means the party against whom some claim is made. And of course we know that he -- the State has claimed that he committed three -- he's guilty of three offenses, one trafficking in cocaine, the other,

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 possession of a firearm during the commission of a
2 violent crime, and also possession of a firearm by a
3 person who had been convicted of a violent offense.
4 And to those charges, as I told you, Mr. Richardson has
5 entered a plea of not guilty.

6 And as I mentioned to you when we were qualifying
7 you, Mr. Richardson and every person in this country who
8 have been accused of committing a criminal offense are
9 entitled to we use the term presumption of innocence.
10 But as I mentioned, it's not just -- those aren't just
11 words. They are requiring a jury, such as you, searching
12 for the truth in a case, to actively presume that he is
13 innocent of these charges, as I mentioned, just as much
14 as you or I am.

15 And that presumption can only be removed or set
16 aside when, through your deliberative process, you have
17 reached a point and a conclusion that the State has met
18 its burden of proof beyond a reasonable doubt on one or
19 more of these charges, and only then may that presumption
20 be set aside.

21 And a person accused, as I've stated, have no
22 responsibility to prove anything at all. They certainly
23 don't have to prove their innocence; they don't have to
24 respond to it, they don't have to present anything for
25 your consideration because the burden rests solely upon

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 the State to prove his guilt beyond a reasonable doubt as
2 to one or more of these charges.

3 Now, obviously following that, if a person accused
4 of a crime does not present any evidence, does not make
5 any statements in their trial, the law says that they
6 have the absolute right not to do that and a jury cannot
7 consider that against them in any manner whatsoever.

8 And I will charge you the Defendant has the
9 constitutional right to remain silent and the assertion
10 cannot and must not be considered by you in your
11 deliberations. Under your oath, you're not to even
12 discuss it in the jury room and if you do you will have
13 violated that oath, because he does not have any
14 responsibility to present anything for your
15 consideration.

16 The burden, again, rests upon the State and to prove
17 it beyond a reasonable doubt. What does that term
18 reasonable doubt mean? I told you when we started,
19 reasonable doubt is a doubt that would make an honest,
20 sincere, conscientious juror who's searching for the
21 truth in a case to hesitate to act or take some action.
22 Proof beyond a reasonable doubt is proof that leaves you
23 firmly convinced of Mr. Richardson's guilt. Now, I would
24 instruct you that there are very few things in this world
25 and in this life that we know with absolutely certainty.

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 And our law does not require the State to prove, to
2 submit proof that overcomes every possible doubt. And
3 based upon your consideration of the evidence, if you are
4 firmly convinced that Mr. Richardson is guilty of one or
5 more of these offenses, then you must return a verdict of
6 guilty as to that particular offense.

7 If, on the other hand, you think there's a real
8 possibility that he's not guilty, then you must give him
9 the benefit of that doubt. I will tell you that a
10 reasonable doubt may arise from the evidence which is in
11 the case or the lack or absence of evidence in the case,
12 and it's up to you to determine whether or not a
13 reasonable doubt exists as to his guilt.

14 I charge you that the Defendant is entitled to every
15 reasonable doubt arising in the whole case. What do I
16 mean by that? Simply this; if upon any issue of fact
17 which would be essential to your returning a verdict of
18 guilty, that is, a conviction, you should have a
19 reasonable doubt as to how you should resolve that
20 particular fact it would be your duty to resolve that in
21 Mr. Richardson's favor.

22 Now, the evidence which you are to consider consists
23 of the testimony of the witnesses and exhibits that were
24 introduced through their testimony, and nothing else.
25 Let me also talk to you about that because there have

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 been several exhibits that have been discussed that were
2 marked for identification so the record knows and someone
3 can relate to the particular item or document that was
4 discussed.

5 If it was introduced into evidence, and you heard
6 that over and over with my ruling that it's admitted,
7 then it accompanies you to the jury room. If it wasn't
8 introduced, it will not accompany you to your jury room
9 but you are -- should consider the testimony, you may
10 consider the testimony, relative to that exhibit. It's
11 just the exhibit itself will not come to your room. But
12 everything that was admitted will be there and it's that
13 evidence that you will evaluate and decide what you find
14 to be credible and believable.

15 During the opening statements and closing arguments
16 of course, the attorneys have an obligation, as I told
17 you, to discuss the evidence with you, to discuss the
18 law, and if any remark by either of the attorneys differs
19 from your collective recollection of what a witness said
20 or didn't say, I would instruct you that you are to
21 disregard their remark and take your recollection as what
22 was -- as the case may be because you, and you alone, are
23 the sole judges of the facts in this case and you make
24 that decision. Let me mention to you in that regard,
25 too, the beauty of this proceeding is, as I mentioned,

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 identified our court reporter and mentioned how important
2 she is to this process. If you should have a discussion
3 and a disagreement about what a witness said or didn't
4 say, you have the right to have that testimony be played
5 should that become necessary.

6 So please know that that's available to you, as
7 well, to verify what your belief may be if you have a
8 difference of opinion. But you must decide that from the
9 testimony and exhibits and that -- and only you can make
10 that ultimate determination.

11 Also, I would tell you that any principle of law
12 which they may have discussed with you, they have a duty
13 to do that. But if it differs from my instruction on the
14 law, you are instructed to disregard that remark, as
15 well, because for the purposes of this proceeding today
16 I'm the sole judge of the law and you must take the law
17 as I give it to you.

18 Now, how does the State or the charging party prove
19 its case? Well, we know they have to present evidence.
20 And evidence, of course we know, consists of testimony
21 and exhibits that might be introduced. There are two
22 types of evidence that you customarily see, sometimes
23 both, sometimes only one. Either are proper. One is
24 direct evidence, the other indirect, or the more common
25 name is circumstantial evidence. But they both are

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 utilized to present cases to a jury. Direct evidence, as
2 the name would apply, would be generally a sensory
3 perception: I saw something, I heard something, I felt
4 something, or the like. And if you are firmly convinced
5 as to the truthfulness of that and the credibility of
6 that testimony, then it would establish that particular
7 fact.

8 Circumstantial evidence is when you prove a number
9 of facts and you are firmly convinced of each of those.
10 And then through inductive or deductive reasoning you
11 combine them, and it leads you to a logical conclusion
12 about which you are firmly convinced, it would establish
13 that particular fact by use of circumstantial evidence.

14 Again, I would tell you that either method is used.
15 And, quite honestly, both methods customarily used. And
16 the law makes absolutely no distinction between the
17 weight or the value to be given to either circumstantial
18 or direct evidence. Nor is any greater degree of
19 certainty required of circumstantial evidence than the
20 direct evidence.

21 You are instructed to weigh all of the evidence.
22 But the law does say to the extent that the State is
23 relying on circumstantial evidence, they have to prove
24 each of those upon which they rely beyond a reasonable
25 doubt. And, furthermore, they must -- when you link

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 them, when you combine them, they must conclusively point
2 to the guilt of the Defendant and they must be wholly
3 consistent with each other in your analysis before you
4 may rely on it for that purpose.

5 I would tell you, however, that in your analysis if
6 your conclusion is, well, there's a suspicion of guilt,
7 that that wouldn't be sufficient. If your conclusion is
8 his guilt is probable, that, likewise, is not sufficient
9 because it has to be proof that convinces you beyond a
10 reasonable doubt and that means before you may return a
11 verdict of guilty on either -- on any of these charges.

12 How do you make a decision of what you find to be
13 credible and believable? Well, folks I would submit and
14 suggest to you that that is something that you have done
15 every day of your life. And you use the methods and
16 techniques that you've employed to assist you in getting
17 where you are today. And there are many, many factors
18 that we consider when we seek to make that determination.

19 I'm going to discuss some of them with you now. But
20 if I don't mention a method or factor that you've found
21 helpful to you in making those decisions, please use that
22 when you begin your deliberations in this case.

23 But some of the factors that you may want to
24 consider would be the appearance of the witness. How did
25 they appear to you; straightforward or hesitant in

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 answering questions? Was the testimony of a witness
2 consistent or inconsistent? Was it strengthened or
3 weakened by other evidence in the case? How did the
4 witness come to know the facts that he or she testified
5 to, and what was the ability of that witness to know
6 those particular facts or circumstances?

7 Is there a reason for a witness to give testimony
8 which may be helpful to one side or the other or
9 detrimental to one side of the other? In other words,
10 was the witness biased or prejudiced in any fashion. In
11 making these determinations, our law gives you very broad
12 discretions.

13 You have the right to believe many witnesses against
14 one, one witness against many. You have the right to
15 believe all of a witness's testimony, parts of a
16 witness's testimony, or none of a witness's testimony.
17 Now, you don't make those decisions arbitrarily.

18 But if in your analysis of the evidence you come to
19 that conclusion, you have that prerogative because your
20 objective since you took your oath has been to search and
21 evaluate the evidence to find what you find to be
22 credible and believable. And that's been your objective
23 throughout.

24 Now, once you determine that, that meaning the facts
25 of this dispute, you then are to take the law. Now, I

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 respect each of you in your right to read and study and
2 do research and find out what you believe the law to be.
3 And we do that from time to time. In this great country
4 we have the right to even seek to change laws if we think
5 they need to be changed.

6 And you may have those feelings about some of the
7 law that you hear today. And I respect you for that.
8 But I would tell you that one of the promises that you
9 made is that you will set aside your personal belief of
10 what the law is, or what it should be, and take the law
11 as I give it to you and apply that law fairly and
12 impartially to the facts. And I know that you will do
13 that. While you have latitude with determining the
14 facts, you don't enjoy the same with the law.

15 Now, please remember that my instruction in no way
16 and at no time is to be considered by you as a suggestion
17 of how you are to resolve a factual issue or to be
18 considered a fact, a factual issue to which you should
19 consider. That, as I've said, is your sole prerogative,
20 your sole discretion.

21 In fact, I will tell you probably the greatest
22 example I could give to illustrate that is us working
23 together, is that many -- several times during this
24 proceeding, we excused you where we argued something on
25 the record. And I explained to you that was very proper,

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 the attorneys were raising issues of law which needed to
2 be stated and included on the record. And then
3 occasions, they came up and had a bench conference. And
4 then sometimes, what typically has is when evidence is
5 presented or when testimony is presented, you hear one of
6 the attorneys say objection.

7 What they're saying, Your Honor is there's a matter
8 of law that typically deals with a rule of evidence. And
9 I may have ruled, I may have said overruled or I may have
10 said sustained. If I said sustained, I simply stated
11 that my reading, my understanding, of that rule of
12 evidence prohibited that question.

13 You shouldn't think of that at all. You shouldn't
14 ponder, well, I wonder why that was done or, I wonder
15 what the witness would have said, because if you do, you
16 have kind of stepped over into my area of responsibility.
17 If I overruled it, I said as a matter of law that I'm
18 going to allow the witness to testify to that and you're
19 to hear it and you're to consider that.

20 Please don't put anything other than that. Don't
21 allow -- don't say, well, the Judge allowed it and I have
22 to accept it because he obviously allowed it. If you do,
23 you've let me step into your area of responsibility.
24 Quite honestly, it's at that precise moment that
25 demonstrates how we work together. I decided that under

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 the law, that the rules of evidence allowed that
2 testimony. But now it shifts to you. You have to decide
3 whether you believe it or not and, if so, how strongly do
4 you believe it. Don't put any greater weight on any one
5 aspect of my charge than any other. Consider the charge
6 as a whole when you seek to apply this law.

7 The Defendant is charged with three charges in these
8 indictments. And, of course, these indictments are not
9 evidence. They will not accompany you to your jury room.
10 And they just merely contain the accusations against him.
11 I want to discuss them with you.

12 First, the charge is trafficking in cocaine in
13 excess of 400 grams of cocaine. And I will tell you that
14 the State, in order to obtain a conviction, must prove
15 beyond a reasonable doubt that the Defendant, Mr.
16 Richardson, knowingly sold, manufactured, cultivated,
17 delivered, purchased, brought into this state, provided
18 financial assistance, or otherwise aided, abetted,
19 attempted, or conspired to sell, manufacture, cultivate,
20 deliver, purchase, or bring into the state, was knowingly
21 in actual or constructive possession of this particular
22 drug and that the amount was 400 grams -- over 400 -- 400
23 grams or more.

24 Now, what the State must prove in addition to all of
25 that is they must prove beyond a reasonable doubt that

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 the amount of cocaine that they allege he possessed, or
2 any mixture containing cocaine, was 400 grams or more.

3 Possession, ladies and gentlemen, can be either
4 actual or constructive. Actual is what you would -- what
5 you normally would consider: I'm in actual possession of
6 that particular drug. Constructive possession -- actual,
7 of course, means physical custody, constructive
8 possession means the Defendant had dominion and control
9 or the right to exercise dominion and control over the
10 drugs or the property on which the drugs were located.

11 Actual knowledge of the presence of the drugs is
12 strong evidence of the Defendant's intent to control its
13 disposition or use. The Defendant's knowledge and
14 possession may be inferred when a substance is found on
15 the property under the Defendant's control.

16 However, this inference is simply an evidentiary
17 fact to be taken into consideration by you, along with
18 the other evidence in this case and given the weight that
19 you deem it should receive.

20 Now, should you find that the defendant was in
21 possession, either actual or constructive possession, but
22 you do not find that the State has met the burden of
23 proof and established the elements of trafficking, which
24 I've discussed with you, then you may consider in
25 addition to the trafficking what we call a lesser

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 included offense. And that lesser included offense is
2 possession with intent to distribute.

3 Now, in that particular charge, the State still must
4 prove possession, and it's actual or construction just as
5 I've defined for you, and the State must also prove
6 beyond a reasonable doubt that the Defendant intended to
7 distribute, distribute meaning to deliver other than by
8 administering or dispensing a drug, and intent must be
9 shown by acts and conduct of the Defendant and any other
10 circumstances from which you may naturally and reasonably
11 infer intent.

12 In determining whether the Defendant had the intent
13 to distribute cocaine, you may consider the circumstances
14 surrounding the Defendant's alleged possession, you may
15 consider the amount of the substance alleged to have been
16 possessed, the manner in which it was allegedly
17 possessed, the place where it was allegedly possessed,
18 and other factors which you consider to be important.
19 You must find the Defendant did not intend to have the
20 cocaine solely for his own use.

21 I would instruct you in that regard that possession
22 of more than 10 grams of cocaine creates an inference
23 that the Defendant possessed the cocaine with intent to
24 distribute. However, this inference does not relieve the
25 State from proving beyond a reasonable doubt that the

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 Defendant had the intent to distribute. It's simply an
2 evidentiary fact to be considered by you, and taken into
3 consideration with all other evidence in this case, and
4 given the weight that you decide it should have.

5 Now, he's also charged with the offense of
6 possession of a firearm during the commission of a
7 violent crime. I would instruct you that trafficking in
8 cocaine has been defined by our legislature as a violent
9 crime.

10 So if you find that he is guilty of the offense of
11 trafficking, then you must consider whether or not the
12 Defendant was in possession of a firearm. Because if a
13 person is in possession of a firearm or visibly displays
14 what appears to be a firearm during the commission of a
15 violent crime, then that would create the -- he would be
16 guilty of violating that particular statute.

17 Again, obviously a firearm is a term, as you
18 probably would know and apply your commonsense, but a
19 firearm is defined as any gun, automatic rifle, revolver,
20 pistol, or any weapon which will or is designed to be
21 readily converted to expel a projectile.

22 In addition to that, he's charged with another
23 offense dealing with the possession of a firearm. He's
24 charged with violating Section 16-23-500 of our code of
25 laws, which provides in part that it's unlawful for a

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 person who has been convicted of a violent crime, as
2 defined by Section 16-1-60 that is classified as a felony
3 offense to possess a firearm or ammunition within this
4 state.

5 Again, in order to prove that, the State has to
6 prove that he's been convicted previously of a felony, a
7 crime that was defined as a felony, and that he had
8 possession of a firearm and/or ammunition. Again,
9 possession means within actual or constructive, he had
10 dominion and control over the firearms.

11 I would further instruct you, ladies and gentlemen,
12 that criminal intent is a necessary element of the
13 crimes. And criminal intent is always a matter that is
14 determined by you by considering all the circumstances
15 surrounding the situation that claimed to have existed.

16 Intent may be inferred from -- criminal intent is a
17 state of mind which operates jointly with an act in the
18 commission of a crime. Intent would include those
19 consequences which represent the very purpose for which
20 an act is done or known to be substantially certain to
21 result, regardless of one's desire.

22 Criminal intent is a mental state, a conscious
23 wrongdoing. And I tell you the State must prove criminal
24 intent, as every other element of the crime, beyond a
25 reasonable doubt.

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 Ladies and gentlemen, as judges, one thing we are
2 not. We're not partisans or advocates for either side.
3 We don't have any friends to reward, nor do we have any
4 enemies to punish.

5 In fact, we have to do something which I will
6 confess to you, and I've had a little more opportunity
7 than you have to be a judge. But I remind myself of it
8 every single time that I'm in this position. We have to
9 do something that's kind of contrary to how we exist as
10 human beings.

11 We all get happy, we all get sad, we all get angry
12 occasionally, and we all have strong feelings. And
13 that's fine. But not here. We can't be influenced by
14 any human emotion. We have to set aside those and
15 methodically and carefully apply our commonsense, our
16 sense of logic and reason and knowledge, in performance
17 of the task that we have undertaken.

18 And if we do that, then we've honored the commitment
19 that we made to the State and to Mr. Richardson. And I'm
20 confident that each one of you will do that very shortly,
21 in that you will carefully and conscientiously evaluate
22 the evidence, decide what you find to be the true facts,
23 apply this law that I've given to you, and report your
24 decision. Mr. Presiding Juror, to assist you in
25 reporting that decision, I've prepared three verdict

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 forms which I'll be sending back with the evidence and I
2 would like to discuss them with you now. Please, there
3 are choices on there. The order of each of these means
4 nothing at all. You're to -- I had to put them in some
5 order.

6 You'll also note, when you get them, they're all
7 captioned. And the caption means nothing. That's just
8 simply to facilitate the filing of the document and
9 that's the sole purpose of it. They all read similarly.

10 You'll have one on the trafficking in cocaine, one
11 on the possession of a firearm during the commission of a
12 violent offense, and the other, possession of a firearm
13 by a person convicted of a violent crime or violent
14 offense.

15 The firearms have two options. The trafficking has
16 three. Let's look at the trafficking now. One is
17 guilty; the next is guilty of the lesser included offense
18 of possession with intent to distribute cocaine, and
19 three, not guilty.

20 What will you be saying on that particular verdict
21 form as to that particular charge? If the first one is
22 guilty, and whichever your choice if you will place a
23 check or an X in the blank in the line preceding it and
24 circle it and sign it you will have completed that form.
25 If you select guilty, what will you be saying? You'll be

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 saying that you and each juror have agreed are firmly
2 convinced, that the State has met its burden of proof and
3 established the elements required for trafficking of
4 cocaine. And trafficking, of course, of cocaine in the
5 400 grams or more and that since the State has met its
6 burden; you've returned a verdict of guilty as to that.

7 Guilty of the lesser included offense means that
8 you've considered trafficking but you're not firmly
9 convinced the State has met its burden of proof as to the
10 elements of that particular crime but are considering the
11 lesser included offense that I discussed with you; that
12 is, possession with intent to distribute.

13 If it's guilty, then you've evaluated the evidence
14 and you are firmly convinced as to each of those elements
15 beyond a reasonable doubt and therefore you're returning
16 a verdict of guilty of that on the lesser-included
17 offense.

18 Not guilty means that you have considered the
19 evidence and you're not firmly convinced the State has
20 met its burden of proof as to any of those and,
21 therefore, they've failed on one or more elements and
22 therefore you're returning a verdict of not guilty.

23 On the firearm, the one that says possession of a
24 firearm by a person convicted of a violent offense as you
25 know, the State has to prove the possession actual or

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 constructive, and of the firearm, and have to prove --
2 has to prove that Mr. Richardson had been convicted of a
3 violent offense.

4 If you find the first choice guilty, the second not
5 guilty, the first choice means that you're firmly
6 convinced the State has met both the possession and that
7 he had been previously convicted of a violent offense and
8 therefore you're returning a verdict of guilty. Not
9 guilty means that he failed to establish one or more of
10 those elements.

11 The possession of a firearm during the commission of
12 a violent offense, in order to return a verdict you have
13 to, of course, have found that he was guilty of
14 trafficking because if he's not guilty of trafficking,
15 that's the violent offense.

16 If he's guilty of that offense, then you may
17 consider this, and then the State would have to prove, in
18 addition to proving that he had committed the offense of
19 trafficking, has to prove that he was in possession of a
20 firearm. Again, possession may be actual or
21 constructive.

22 Not guilty means either the State failed to prove
23 trafficking and/or they failed to prove the possession of
24 a firearm. When you check one of these options, you'll
25 be saying that -- because it reads, we, the jury, in each

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 one, by unanimous consent find the Defendant, then it
2 sets out the specific crime. Unanimous consent means
3 just what you think it means: all of you have to agree.
4 Eleven to one isn't sufficient. It has to be twelve to
5 zero for you to have reached a verdict.

6 I thank you for your attention. You are almost to
7 the point. Need to ask you if any of you feel that you
8 will be unable to continue. If so, please raise your
9 hand.

10 [Whereupon, there is no response]

11 THE COURT: Ms. Kelley, it appears that the first
12 twelve jurors are able to continue. At this point, in
13 just a moment I'm going to excuse you and the other
14 jurors and I'm going to ask that you not return to the
15 jury room. They will take you to another room and I'll
16 be there shortly to tell you how much longer you need to
17 remain.

18 And I know you all are anxious to get started. I'm
19 going to excuse you because I need to discuss my charge
20 with the attorneys and it might be necessary to bring you
21 back in to give you some further instruction. But if
22 it's not, we will deliver the exhibits to you. And when
23 you receive those exhibits, then you may begin your
24 deliberations but not before. Now, Mr. Presiding Juror,
25 once the jury has commenced the deliberations, the only

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 restriction I place on the deliberations is this: if for
2 any reason any one of you need to leave the table, you
3 must stop deliberating until all twelve of you are
4 together. Other than that, ladies and gentlemen, you can
5 proceed as you deem fit and proper.

6 Thank you. Please retire to your jury room and
7 await your exhibits before commencing your deliberations.

8 [Whereupon, the jury exits at 11:24 a.m.]

9 THE COURT: Exceptions or additions from the State?

10 MR. SOWARDS: No exceptions from the State.

11 THE COURT: Exceptions or additions from the
12 Defendant?

13 MR. DAVIS: No, Your Honor. May we eyeball the
14 verdict forms? You explained them, but do you mind if I
15 look at them?

16 THE COURT: Sure.

17 MR. DAVIS: I'll show them to the State, as well.
18 Thank you, Your Honor.

19 [Whereupon, counsel view the verdict form]

20 MR. DAVIS: May I approach, Your Honor?

21 THE COURT: Uh-huh.

22 MR. DAVIS: Thank you very much. We reviewed them.

23 THE COURT: Okay.

24 MR. DAVIS: Thank you so much, Your Honor.

25 THE COURT: Well, I would note that if there's

State v Therron Renard Richardson
Jury Charge
January 16, 2019

1 something wrong, it's been wrong for twenty-five years.

2 So thank you.

3 MR. DAVIS: And, Judge, before we send them back,
4 may we review the exhibits?

5 THE COURT: Y'all are going to have -- please do
6 that. We're at ease.

7 [Whereupon, all counsel review the exhibits]

8 THE COURT: Folks, the cocaine is not going back
9 there. Just tell them if they need to look at the
10 exhibit containing the cocaine, I'm not sending that
11 back. While it's in evidence, I'm not sending it. They
12 can come in here. If you'll just tell them, please.

13 THE BAILIFF: Okay.

14 [Whereupon, evidence goes to the jury at 11:38
15 a.m.]

16 [Whereupon, deliberations begin]

17 [Whereupon, a recess is taken from 11:38 a.m. to
18 12:56 p.m.]

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State v Therron Renard Richardson
Proceedings
January 16, 2019

1 [Whereupon, note from the jury at 12:56 p.m.]

2 [Whereupon, Court's Exhibit Number 4 is marked by
3 the court reporter]

4 THE COURT: Why did this happen and just come to
5 trial in 2019? So my response to that, and I'll wait
6 till they come, is that's a matter of law that they
7 cannot consider. That is not for their determination.
8 Their job is decide this case based on the evidence and
9 the law that I gave them; that's extraneous and has
10 nothing to do with their decision. And I'll share that
11 with them.

12 The other question is what was fingerprints question
13 mark; cocaine bags question mark; guns question mark; and
14 paraphernalia. What were they. This is where it would
15 be good if we could have a colloquy and discuss it with
16 them.

17 MS. FRIERSON: It almost seems like they're asking
18 what was fingerprinted.

19 THE COURT: I don't know. Oh, excuse me. It's not
20 what was fingerprinted -- it's a D; it's not an S. What
21 was fingerprinted? Cocaine bags, guns, paraphernalia.
22 They have to determine from the evidence I think. I
23 don't think I can answer that. I think the only thing
24 the testimony was was the gun. But I may be mistaken.

25 MR. SUMMA: The gun was dusted but they...

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 THE COURT: But they didn't lift any prints. You
2 want to show -- this is Court's exhibit 4. Do you want
3 to show that to your client?

4 MR. DAVIS: Thank you, Judge.

5 THE COURT: You bet.

6 [Whereupon, Mr. Davis shares Court's exhibit 4 with
7 Mr. Richardson]

8 MR. DAVIS: May I approach, Your Honor?

9 THE COURT: Yes sir, you may.

10 [Whereupon, Mr. Davis returns exhibit to the Court]

11 THE COURT: My response to the what was that is
12 going to be that's their job and they have to determine
13 that from the evidence and decide for themselves the
14 answer to that. It would be improper for me to comment
15 on that because I can't be involved in the facts. Any
16 objection to that part of it, along those lines from the
17 State?

18 MR. SOWARDS: Nothing from the State.

19 THE COURT: Any objection from Mr. Richardson?

20 MR. DAVIS: No, Your Honor.

21 THE COURT: And then the others, I told you I'm
22 going to tell them that that's a matter of law that they
23 need not concern themselves with, that's extraneous to
24 this case, you need to decide this case based on the
25 evidence and the law -- the evidence that you've heard in

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 this case and the law that I gave to you. Let's bring
2 them in, please, sir, Mr. Pryor.

3 THE BAILIFF: Yes, sir.

4 THE COURT: Thank you so much, sir.

5 [Whereupon, the jury enters at 1:07 p.m.]

6 THE BAILIFF: The jury is all present, Judge.

7 THE COURT: Thank you very much, Mr. Pryor.

8 Thank you, ladies and gentlemen. Mr. Massie, I have
9 what's now Court's Exhibit Number 4. And the first
10 question is what was fingerprinted, cocaine bags question
11 mark; guns question mark; paraphernalia question mark.

12 That's -- and I will tell you that it's not uncommon
13 for jurors to ask questions along those lines. One of
14 the things we have in this state is we have a
15 constitutional provision. The Court, the Judge, cannot
16 charge on the facts and for me to answer that question
17 would be commenting on the facts.

18 That's your job and I can't -- there's nothing -- I
19 can't participate in that. We could talk about it for
20 sure, but that would violate the Constitution so I'm not
21 at liberty to do that. I don't fault you for asking, but
22 that's a matter that you have to decide from the evidence
23 that's before you and decide what it is and the
24 significance of it. So I -- and I don't need you to
25 elaborate on that. So that's up to you all. That's an

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 evidentiary issue.

2 The next question is really the flip side of that.
3 Why did this happen in 2010 and just coming to trial in
4 2019. Again, I understand the question, but that's not
5 for your consideration. You shouldn't even be talking
6 about that, because that's a matter of law.

7 That's a matter for me and not for you, and there's
8 no evidence about that. You're to decide this case based
9 on the evidence and the law that I gave to you, and
10 that's all. And so you have to make your decision within
11 the confines of what you've been provided and nothing
12 else.

13 So with that additional instruction, please resume
14 your deliberations. Thank you so much.

15 [Whereupon, the jury exits at 1:10 p.m.]

16 THE COURT: Any exceptions, additions from the
17 State?

18 MR. SOWARDS: No, Your Honor.

19 THE COURT: Any exceptions or additions from Mr.
20 Richardson?

21 MR. DAVIS: No, Your Honor.

22 THE COURT: Thank you all very much. I appreciate
23 it. We'll be at ease again. Thank you.

24 [Whereupon, a recess is taken from 1:11 p.m. to 2:53
25 p.m.]

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 [Whereupon, note from the jury at 2:53 p.m.]

2 THE COURT: Please be seated. Thank you. All
3 right Court's Exhibit 5.

4 [Whereupon, Court's Exhibit Number 5 is marked by
5 the court reporter]

6 THE COURT: A very legitimate question and I've just
7 done some research. Give you a chance to respond and
8 look at it, if you want to do some.

9 What's the difference between trafficking and intent
10 to distribute? And that's a very legitimate question.
11 The elements are similar for both. But in trafficking
12 it's only required that you have in your possession,
13 actual or constructive possession, 10 grams or more of
14 cocaine.

15 For possession with intent to distribute, you have
16 to have possession with the intent to distribute. It has
17 to be the combination. It does not have to be in
18 trafficking, as I read it, because there's an Or. It
19 talks about bringing it in to distribute but it then
20 says, or actual or constructive possessive.

21 So that's the answer to the question, I believe, and
22 I think it's a legitimate -- I think it's a legal answer.
23 I'm not commenting on the facts, I'm just telling them
24 that's the distinction between the two. So...

25 MR. DAVIS: Can I go over it with my client?

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 THE COURT: Oh, absolutely. Take your time.
2 Solicitor, you can take your -- y'all talk about it,
3 too.
4 [Whereupon, Mr. Summa, Mr. Davis and Mr. Richardson
5 confer]
6 [Whereupon, Mr. Sowards and Ms. Frierson confer]
7 THE COURT: All right.
8 MR. SOWARDS: I'll tell you we're -- the State is
9 fine with your proposed...
10 THE COURT: Okay.
11 MR. SOWARDS: The wrinkle would be that we indicted
12 him for 400-plus and I think ---
13 THE COURT: --- well, it would be. And just may --
14 and I was just telling Nick the next time I try one, I'm
15 going to define trafficking as possessing more than 10
16 grams of cocaine and then have a question that they find
17 what -- the amount of cocaine.
18 MR. SOWARDS: Right.
19 THE COURT: So this isn't going to have -- now if
20 y'all want me to send back a further inquiry, if they
21 come back have them tell us what the amount of cocaine
22 is, I don't have any problem with that. But the question
23 is legitimate and it really and truly is the convoluted
24 part. And what I should have just said is if you have --
25 I was just telling Nick the simple way of doing it, but

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 it probably gets into that area, grey area, violating the
2 Constitution. If the State proves beyond a reasonable
3 doubt that the Defendant had in his possession 10 grams
4 or more of cocaine, that's trafficking, period.

5 That's it. That's all you've got to prove. You
6 don't have to get into all that other gobbledygook. And
7 it is gobbledygook. And with the -- with all that other
8 stuff.

9 MR. SOWARDS: It's hard to read.

10 THE COURT: Well, it's hard to read because it's
11 written by lawyers and it's dumb. I mean, I'm sorry.
12 You just need to be straightforward. Because that's what
13 trafficking is. We don't need to get into all of that.
14 It ought to be there. It simply ought to be there.

15 We were just talking. The difference between the
16 two is obviously the possession because in possession
17 with intent to distribute, unless you find the intent to
18 distribute he's just guilty of simple possession; I don't
19 care how much he had.

20 MR. SOWARDS: That's why it's a really hard charge
21 to prove.

22 THE COURT: Well, it is a hard charge to prove, but
23 trafficking ain't.

24 MR. SOWARDS: No.

25 THE COURT: It's a slam-dunk if you prove the actual

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 or constructive possession, it's done. I mean, that's
2 really what the statute says. But everybody wants to get
3 in and talk about all this other stuff and get in all
4 that. And of course I haven't been where you are for
5 twenty-five years, so I ought to keep my mouth shut. But
6 anyway. What do you want me to charge? Or what do you
7 want to say?

8 MR. DAVIS: What I would suggest is to avoid those
9 wrinkles we just ask you to re-read the trafficking, re-
10 read the PWID.

11 THE COURT: But that's not answering the question.
12 You're saying if I answer the question, I'm commenting on
13 the facts? Because I can -- legally, I can answer the
14 question.

15 The difference is, one, you can't just prove simple
16 -- you can't prove the charge by just proving the
17 possession. That's the distinction. Possession with
18 intent to distribute, you have to prove that they intend
19 to distribute. With trafficking, you don't have to prove
20 intent to distribute. You can, but you don't have to.

21 MR. DAVIS: That's correct.

22 THE COURT: So what does the State want to do? It's
23 your case.

24 MR. SOWARDS: I mean, I think what you just said.
25 That directly answers their question without commenting

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 on the facts. That's the law. That's is the
2 distinction.

3 THE COURT: It is the distinction. I mean, there is
4 a legal distinction. It has to be. And they're asking
5 me what's the distinction. And so, one, if you prove
6 possession of 10 grams or more, that's -- the law says
7 that can constitute trafficking.

8 If you prove he had it with intent to possess, it
9 could constitute trafficking. But it doesn't -- they
10 don't have to prove that. They have to prove one of
11 those elements.

12 MR. DAVIS: The only thing that I said differently
13 to my client both previously and now, was -- and correct
14 me if I'm misstating -- but certainly trafficking is
15 possession, actual or constructive, of whatever drug
16 they're claiming, if they prove it, knowledge of it, and
17 then the weight.

18 THE COURT: Well, knowledge comes in the
19 constructive possession.

20 MR. DAVIS: Possession. Correct, Judge. So I just
21 wanted to be clear. I broke it down.

22 THE COURT: Well, I'm going -- you know, I will say
23 that it has to be actual, but they haven't asked me what
24 constructive possession is.

25 MR. DAVIS: You're right.

State v Therron Renard Richardson
Proceedings.
January 16, 2019

1 THE COURT: So I don't think that's the issue.
2 That's why I don't know that I have -- I don't know that
3 I should charge that specifically. If they want it, I'll
4 be happy to offer that if they need further instruction.
5 But they just precisely asked the distinction between
6 them.

7 And I intend to tell them that certainly one of the
8 elements of -- I'll do that if you want me to, that one
9 of the elements of trafficking is that you had it and you
10 were selling it or possession to distribute it. But
11 unlike possession with intent to distribute, you don't
12 have to prove that to be trafficking. All you have to
13 prove is possession.

14 And, see, that -- again, I'd rather -- I think the
15 whole question is what's the distinction. And the
16 distinction is that's the only distinction. That one
17 simply proving possession does not establish it. One, it
18 does establish it if it's more than 10 grams.

19 MR. SOWARDS: I agree. I think that --

20 MR. DAVIS: I agree it's the correct statement of
21 law and we would ask that both be read. But we don't
22 disagree that that's ---

23 THE COURT: --- well, I'll be happy to read it and
24 tell them the distinction, if you want me to, but I think
25 that's just wasting their time.

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 MR. DAVIS: I understand.

2 THE COURT: But, anyway. You've got to argue this
3 before the men and women up the street if they convict
4 him. What do you want?

5 MR. SOWARDS: I think we're going to be arguing up
6 there anyways. I think what you proposed is fine with
7 the State.

8 THE COURT: Very good. If you're comfortable
9 arguing that...

10 THE COURT REPORTER: I'm sorry, Mr. Sowards. Repeat
11 your answer. I didn't quite hear you.

12 MR. SOWARDS: I said I think that if there's a
13 conviction, we'll be arguing up there anyways.

14 THE COURT: Yeah.

15 MR. SOWARDS: But the State is fine with your
16 proposal.

17 THE COURT: Frankly, if we can make some law both
18 ways around, that would be good, too. The how far can we
19 go to answer the specific question.

20 I don't think I'm injecting because we charged
21 actual or constructive -- or actual constructive when I
22 charged in the first place. But they've asked a very
23 legitimate question of the distinction between the two
24 and I think I'm entitled to explain that to them. But I
25 don't think it changes any of your arguments or adds a

State v Therron Renard Richardson
Proceedings.
January 16, 2019

1 new dimension to it. Do you think so?

2 MR. SOWARDS: No, I do not.

3 THE COURT: Do you think so, Mr. Davis?

4 MR. DAVIS: No, Your Honor.

5 THE COURT: Okay. Because I don't want to get into
6 that problem that we had with the case about when I
7 decided to correct my failure to charge hand of one, hand
8 of all, and it was argued that, well, you injected
9 something that we couldn't argue. I don't think ---

10 MR. SOWARDS: --- well, I knew you were charging
11 possession with intent to distribute. I ---

12 THE COURT: --- precisely. And you knew that
13 possession, and we know the elements of possession with
14 intent to distribute, which I specifically charged. The
15 State also has to prove possession and that he intended
16 to distribute.

17 MR. SOWARDS: Right.

18 THE COURT: But in this one, all they have to do is
19 prove possession of a certain quantity. It has to be at
20 least 10 grams, as I understand it. And that's -- I
21 think that's the way I'm going to phrase it. They have
22 to prove at least 10 grams of -- possession of at least
23 10 grams of cocaine.

24 MR. DAVIS: My only request there -- forgive me. I
25 just don't recall. It was added the first ---

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 THE COURT: --- the 10 grams is not. I didn't
2 charge specifically, but I should have and -- because it
3 defines trafficking. But if you want me to read the
4 statute again, I'll be happy to do that.

5 MR. DAVIS: Again, it's an accurate statement of the
6 law. Previously the 10 or 400 had only been addressed
7 when you addressed the indictment, I believe. So that's
8 my only concern is getting into the numbers again.

9 The definition of the two is accurate. I've made my
10 suggestion, but I understand your ruling. Any numbers
11 would be an insert at this stage.

12 THE COURT: Well, obviously just simple possession
13 of cocaine is not sufficient. It has to be at least 10
14 grams.

15 MR. DAVIS: That's accurate, Judge. It is.

16 THE COURT: So that's the distinction between them.
17 All right. Let's bring them in.

18 [Whereupon, the jury enters at 3:21 p.m.]

19 THE BAILIFF: All jurors present, Your Honor.

20 THE COURT: Thank you very much, ladies and
21 gentlemen. And thank you, Mr. Massie.

22 I have what's now Court's Exhibit 5. What is the
23 difference between trafficking and intent to distribute?

24 And the question is very understandable and very
25 legitimate. As you recall, and I preface this if when

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 you go back you want me to give you the -- again, the
2 complete charge concerning all of the various elements,
3 I'll be happy to do that. I would remind you that this
4 is in addition to the previous charge. You consider all
5 of that part, as well.

6 Obviously, they have to prove possession in both,
7 actual or constructive. No question about that. In
8 possession with intent to distribute, as the name
9 implies, it says: possession with intent to distribute.
10 That is an element of that crime. You have to prove with
11 the intent to distribute.

12 Trafficking has a multitude of various elements that
13 they have. But trafficking, unlike the possession with
14 intent to distribute, has an Or and the Or is if they
15 possess the cocaine, in this case -- possessed it, actual
16 or constructive -- then that's the only element they have
17 to prove to be entitled to a verdict on trafficking.

18 They do not have to prove the intent to distribute
19 with trafficking as they do with possession with intent
20 to distribute cocaine. So that's the distinction that I
21 would give you.

22 If you need the complete charge again, let me know
23 and I'll be happy to bring you in and do that. So y'all
24 are going to need to talk. Go back to your jury room and
25 renew your deliberations. Thank you.

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 [Whereupon, the jury exits at 3:21 p.m.]

2 THE COURT: And to avoid the quantity, I just simply
3 used the drugs in this case. So that takes care of that
4 adding a new dimension to it because, obviously, there is
5 no challenge that it was over two kilos.

6 So any exceptions or additions from the State?

7 MR. SOWARDS: No, Your Honor.

8 THE COURT: Exceptions or additions from the
9 Defendant?

10 MR. DAVIS: I don't believe so. We'll explain ---

11 THE COURT: --- absolutely ---

12 MR. DAVIS: --- one more time.

13 THE COURT: Please do. But I tried to honor what
14 you ---

15 MR. DAVIS: --- yes, sir ---

16 THE COURT: --- what you asked me to do.

17 [Whereupon, Mr. Davis, Mr. Summa and the Defendant
18 confer]

19 MR. DAVIS: Thank you for that time, Your Honor. No
20 exceptions.

21 THE COURT: Thank you very much. And I appreciate
22 y'all's input in working through that situation.

23 We were just talking. Note to self. The next time
24 I think the best thing to do is separate even that and do
25 a charge as to each drug, what's the threshold to

State v Therron Renard Richardson
Proceedings
January 16, 2019

1 trafficking. And then say in order to get a conviction
2 on the indictment they have to prove it was this amount
3 of grams and let them make -- write in how much drugs
4 were established by the beyond a reasonable doubt.

5 But in this case, obviously that's why I stuck --
6 because we don't have -- I mean its 2 point -- over two
7 kilos. If they find that he was in actual or
8 constructive possession that far exceeds 400 grams so
9 it's not an issue.

10 All right. Thank you all. I appreciate it. We'll
11 be at ease again.

12 And let me state this, too, for the benefit of Mr.
13 Richardson. Wait just one second, please.

14 I know this is a stressful time for you, sir, and I
15 know that there's a lot on the line here. And I really
16 understand that, sir, and I appreciate that.

17 But I just want to say that having had the honor and
18 privilege of working over these years with the lawyers
19 that are in this room, some longer than others, it's nice
20 to have the consummate professionals I have, and persons
21 that honor the oath that they take, and I appreciate that
22 very much. Thank you.

23 [Whereupon, a recess is taken from 3:24 p.m. to 3:35
24 p.m.]

25

State v Therron Renard Richardson
Verdict
January 16, 2019

1 VERDICT
2 [Whereupon, a verdict is reached at 3:35 p.m.]
3 THE COURT: All right. I'm advised the jury has
4 reached a verdict. Is the State ready to receive the
5 verdict?
6 MR. SOWARDS: The State is ready, Your Honor.
7 THE COURT: Is the Defendant ready to receive the
8 verdict?
9 MR. DAVIS: We are, Your Honor.
10 THE COURT: Very good. Do we need to wait on Mr.
11 Summa?
12 MR. DAVIS: No. Judge, to be completely blunt, I
13 just missed his call. But I called him twice. I'll send
14 him a text. But I have conferred with my client, and we
15 are ready if the Court is ready.
16 THE COURT: Okay. I'll be happy to wait if you
17 prefer, but that's up to you.
18 MR. DAVIS: If I could step out just a moment and
19 see if he's in the hallway?
20 THE COURT: Sure. Absolutely. No rush, Mr. Davis.
21 Be delighted to wait.
22 [Off the record momentarily]
23 MR. DAVIS: He's coming by the elevators now, Your
24 Honor.
25 THE COURT: Not a problem. We can wait.

State v Therron Renard Richardson
Verdict
January 16, 2019

1 MR. DAVIS: Thank you.
2 THE COURT: No problem.
3 [Whereupon, Mr. Summa enters the courtroom]
4 THE COURT: All right. Are we ready to receive the
5 verdict now?
6 MR. DAVIS: Yes, Your Honor. Thanks.
7 THE COURT: Let's bring in our jury, please.
8 [Whereupon, the jury enters at 3:45 p.m.]
9 THE BAILIFF: Judge, all the jurors are present.
10 THE COURT: Mr. Pryor, thank you very much. And
11 thank you, ladies and gentlemen.
12 Mr. Massie, as I understand, the jury has reached a
13 verdict, sir.
14 THE FOREPERSON: We have.
15 THE COURT: If you would pass the verdict form,
16 please, to Mr. Williams.
17 [Whereupon, the Bailiff provides documents to the
18 Court]
19 THE COURT: Thank you, sir.
20 [Whereupon, the Court views verdict]
21 THE COURT: The verdict forms have been properly
22 completed. If you would assist me, please.
23 [Whereupon, the Court provides documents to the
24 Clerk of Court]
25 THE COURT: I ask the Defendant to please rise.

State v Therron Renard Richardson

Verdict

January 16, 2019

1 [Whereupon, the Defendant complies]

2 THE CLERK OF COURT: The State of South Carolina,
3 County of Charleston, in a Court of the General Sessions,
4 Ninth Judicial Circuit, case number 2011-GS-10-02320 the
5 State of South Carolina versus Therron Renard Richardson,
6 we, the jury, by unanimous consent, find the Defendant,
7 Therron Renard Richardson, on the charge of trafficking
8 cocaine, guilty.

9 Case number 2019-GS-10-0879, we, the jury, by
10 unanimous consent, find the Defendant, Therron Renard
11 Richardson, on the charge of possession of a firearm by a
12 person convicted of a violent offense, guilty.

13 Case number 2011-GS-10-02321, we, the jury, by
14 unanimous consent, find the Defendant, Therron Renard
15 Richardson, on the charge of possession of a firearm
16 during the commission of a violent offense, guilty.

17 Signed, Foreperson.

18 THE COURT: Ladies and gentlemen, if the Clerk has
19 accurately -- accurately published your verdict, please
20 indicate that by raising your right hand.

21 [Whereupon, all jurors comply]

22 THE COURT: Thank you. You may put them down. Let
23 the record reflect that each juror has raised his or her
24 hand in response to the Court's inquiry.

25 Anything further from the jury from the State?

State v Therron Renard Richardson
Verdict
January 16, 2019

1 MR. SOWARDS: No, Your Honor.

2 THE COURT: Anything further from the jury from the
3 Defendant?

4 MR. DAVIS: We would asked that they be polled
5 individually, Your Honor.

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THE COURT: Ladies and gentlemen, what's going to happen now, the Clerk is going to call your name and ask you basically two questions: is that your verdict; and is it still your verdict. And if you'll just respond to the Clerk's questions, we appreciate it.

If you will, please?

CLERK OF COURT: Juror Number 182, Travis Massie?

JUROR NUMBER 182: Yes.

CLERK OF COURT: Is this your verdict?

JUROR NUMBER 182: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR NUMBER 182: Yes.

CLERK OF COURT: Juror number 285, Stephanie Washington, is this your verdict?

JUROR NUMBER 285: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR NUMBER 285: Yes.

CLERK OF COURT: Juror number 244, Briana Simmons,
is this your verdict?

JUROR NUMBER 244: Uh-huh.

CLERK OF COURT: Is this still your verdict?

JUROR NUMBER 244: Yes.

THE COURT REPORTER: Ma'am, I'm sorry. I need you to speak up.

State v Therron Renard Richardson
Polling of the Jury
January 16, 2019

1 JUROR NUMBER 244: Yes.
2 CLERK OF COURT: Is it still your verdict?
3 JUROR NUMBER 244: Yes.
4 CLERK OF COURT: Juror number 157 -- excuse me
5 that's the alternate -- juror number 37, Michael Carson,
6 is this your verdict?
7 JUROR NUMBER 37: Yes.
8 CLERK OF COURT: Is this still your verdict?
9 JUROR NUMBER 37: Yes.
10 CLERK OF COURT: Juror number 202, Gladys Murray, is
11 this your verdict?
12 JUROR NUMBER 202: Yes.
13 CLERK OF COURT: Is this still your verdict?
14 JUROR NUMBER 202: Yes.
15 CLERK OF COURT: Juror number 248, Peter Slater, is
16 this your verdict?
17 JUROR NUMBER 248: Yes.
18 CLERK OF COURT: Is this still your verdict?
19 JUROR NUMBER 248: Yes.
20 CLERK OF COURT: Juror number 144, Johnson -- excuse
21 me -- Brian Johnson, is this your verdict?
22 JUROR NUMBER 144: Yes.
23 CLERK OF COURT: Is this still your verdict?
24 JUROR NUMBER 144: Yes.
25 CLERK OF COURT: Juror number 198, David Morgan, is

State v Therron Renard Richardson
Polling of the Jury
January 16, 2019

1 this your verdict?
2 JUROR NUMBER 198: Yes.
3 CLERK OF COURT: Is this still your verdict?
4 JUROR NUMBER 198: Yes.
5 CLERK OF COURT: Juror number 45, Stephen Cimelli,
6 is this your verdict?
7 JUROR NUMBER 45: Yes.
8 CLERK OF COURT: Is this still your verdict?
9 JUROR NUMBER 45: Yes.
10 CLERK OF COURT: Juror number 29, Sara Brezina, is
11 this your verdict?
12 JUROR NUMBER 29: Yes.
13 CLERK OF COURT: Is this still your verdict?
14 JUROR NUMBER 29: Yes.
15 CLERK OF COURT: Juror number 207, Paul Novak, is
16 this your verdict?
17 JUROR NUMBER 207: Yes.
18 CLERK OF COURT: Is this still your verdict?
19 JUROR NUMBER 207: Yes.
20 CLERK OF COURT: Juror number 282, Bill Walker, is
21 this your verdict?
22 JUROR NUMBER 282: Yes.
23 CLERK OF COURT: Is this still your verdict?
24 JUROR NUMBER 282: Yes.
25 CLERK OF COURT: Your Honor, the jury has been

State v Therron Renard Richardson
Polling of the Jury
January 16, 2019

1 polled.

2 THE COURT: They have been polled and the verdict
3 stands.

4 Thank you very much, ladies and gentlemen. I
5 appreciate your participation in this and the manner in
6 which you conducted yourself throughout the trial, the
7 attention that you paid, and your deliberative process.

8 I'm going to ask you to retire to your jury room for
9 just a few moments. I'll be in in just a moment to speak
10 to you. Thank you. You may retire to your jury room.

11 [Whereupon, the jury exits at 3:50 p.m.]

12 THE COURT: Alright. Anything from the State at
13 this point?

14 MR. SOWARDS: No, Your Honor.

15 THE COURT: Anything from the Defendant at this
16 point?

17 MR. DAVIS: Not to that issue, Judge.

18 THE COURT: Do you want to make your motions
19 concerning the new trial?

20 MR. DAVIS: Thank you, Judge.
21
22
23
24
25

State v Therron Renard Richardson
Motion for New Trial
January 16, 2019

1 MOTION FOR A NEW TRIAL AND RENEWAL OF MOTIONS

2 MR. DAVIS: So we have no issue with the polling of
3 the jury.

4 And, again, in an abundance of caution, we would
5 raise all prior motions that have been ruled upon. We've
6 gone through that litany before. I think the Court is
7 well aware. I don't have new argument to that. But we
8 would renew them.

9 THE COURT: And I would again reiterate my rulings
10 previously. We all understand there is a major issue in
11 this case that has been addressed with a hearing before
12 Judge Young, in addition to the issues, of course, raised
13 in this trial.

14 And with respect to any request for a new trial, I
15 believe the evidence supports the verdict of the jury --
16 the jury's verdict is supported by the evidence in this
17 case in a light most favorable to the State. Clearly
18 there is substantial circumstantial evidence for that to
19 have been the decision.

20 So in that all of the motions then are therefore
21 denied.

22 We're going to need new sentencing sheets, I think,
23 because we have the old ones but I'm going to -- we're
24 going to be at ease for a minute. I want to go speak to
25 the jury and thank them for their participation.

State v Therron Renard Richardson
Sentencing
January 16, 2019

SENTENCING

[Whereupon, court is in recess from 3:53 p.m. to
4:09 p.m.]

MR. DAVIS: Judge, one quick question.

THE COURT: Sure.

MR. DAVIS: And the State was trying to help, and I
appreciate it. But just on the two weapons charges -- of
course trafficking is the most serious, obviously. But I
want to go over it accurately with him.

I don't believe that either possession during the
commission of a violent crime or possession because of a
prior violent, I don't believe either one of those are
statutorily violent, but I don't want to check the wrong
box.

THE COURT: I don't know that they are. I don't
think that ---

MR. DAVIS: --- I don't believe they are, and the
State doesn't either.

THE COURT: I don't think they are. But look at
160. 16-1-160, I think.

MS. FRIERSON: That's what I just pulled up.

THE COURT: You just checked it?

MS. FRIERSON: Yes.

THE COURT: And it doesn't show as...

MS. FRIERSON: They are not violent.

State v Therron Renard Richardson
Sentencing
January 16, 2019

1 THE COURT: They are not violent. Then, fine, we'll
2 check nonviolent. Listen, if assault and battery in the
3 first degree is nonviolent, I'm sure that possession of a
4 weapon is not violent --

5 MR. DAVIS: May I approach, Your Honor?

6 THE COURT: Yes, you may.

7 [Whereupon, Mr. Davis provides documents to the
8 Court]

9 MR. DAVIS: Judge, I reviewed them with him. And
10 with no disrespect to the Court, obviously he or I have
11 not signed because of his conviction ---

12 THE COURT: --- well, you don't have to sign.

13 MR. DAVIS: Yes, sir.

14 THE COURT: You know, I did that at first and it
15 finally dawned on me, you don't have to sign. That's not
16 what you -- that's not what you do. This is simply
17 reporting the jury's verdict.

18 Did you give -- I didn't ask the Foreperson to come
19 sign this? Would that --

20 THE LAW CLERK: He signed it; we had him sign it.

21 THE COURT: Okay. Cool. All right. Is there
22 anything further from the State?

23 MR. SOWARDS: Your Honor, just very briefly. I read
24 you his record yesterday and you were discussing whether
25 he would testify. I think Your Honor is aware of his

State v Therron Renard Richardson
Sentencing
January 16, 2019

1 record.

2 THE COURT: Well, tell me again his convictions,
3 please.

4 MR. SOWARDS: Your Honor, I apologize. I don't
5 have it in front of me.

6 THE COURT: No. That's all right; the most recent
7 one.

8 MR. SOWARDS: The most recent one was a trafficking
9 in crack conviction in 1998. He did receive an active
10 sentence on that one.

11 THE COURT: And when did he -- when was he released
12 from prison?

13 MR. SOWARDS: I'm not sure, Your Honor.

14 THE COURT: That's okay.

15 MR. SOWARDS: And obviously there was a 1992
16 aggravated assault and then there was another drug
17 charge, drug conviction, for which he received a YOA. I
18 don't know whether that's been expunged. But --

19 THE COURT: Okay.

20 MR. SOWARDS: Beyond that, Your Honor, just very
21 briefly, you now are familiar with his prior record.

22 Obviously, this was a substantial amount of drugs.
23 You know, he received a thirty-five year sentence in the
24 first one. Thirty, which was the maximum, and then a
25 five consecutive for one of the gun charges. You know, I

State v Therron Renard Richardson
Sentencing
January 16, 2019

1 think this obviously far exceeds anything that would be
2 deemed for personal usage. But beyond, the State doesn't
3 have anything.

4 THE COURT: All right. I'll be happy to hear from
5 you now, Mr. Davis. Anything you wish to say?

6 MR. DAVIS: Yes, Your Honor. It won't be lengthy.

7 We know the conviction for the trafficking limits
8 the Court's range from twenty-five to thirty. That's an
9 eighty-five percent, no parole. I've talked to my client
10 about that and talked about the community supervision
11 afterward.

12 But, Judge, about Therron, he's three months older
13 than I am. I found out, looking through every page of
14 the old file in this case, that I was actually appointed
15 this case originally when I was with the Public
16 Defender's office on my first tour. I don't believe we
17 talked and I don't believe we met.

18 He had Michael Dupree for a period of time. He had
19 his first trial. I was appointed while I was in private
20 practice to handle his PCR. I got to know him in that
21 aspect. Fortunately, we were successful.

22 And when I came back to the Public Defender's office
23 almost a year ago today, it was a few months later that
24 this case came back. Having familiarity with it, I took
25 the case, began meeting with him, and prepared it to this

State v Therron Renard Richardson
Sentencing
January 16, 2019

1 point.

2 He's a soft-spoken, well-spoken man. Judge, he was
3 born and raised here. He went to the eleventh grade. He
4 did complete his GED. He's always had employment. I
5 know the conviction here today and we respect the jury's
6 result, but he had been a blue-collar worker, as well,
7 Your Honor.

8 He has been, Judge -- today is a -- in eight days it
9 will be eight years he's been incarcerated.

10 THE COURT: Okay.

11 MR. DAVIS: If you need it in days, it's 2,998 ---

12 THE COURT: --- I'm just going to put eight years.

13 MR. DAVIS: And so we would of course ask for the
14 pretrial in County. But all the time he's been at SCDC,
15 we would certainly ask for credit on that.

16 THE COURT: Well, we're talking about eight years
17 for the entire length of time?

18 MR. DAVIS: From the time he was arrested on this
19 case.

20 THE COURT: From original to ---

21 MR. DAVIS: --- yes, sir ---

22 THE COURT: --- today ---

23 MR. DAVIS: --- January ---

24 THE COURT: --- well, short of eleven, but I'm going
25 -- they'll put in -- they'll give him credit for what I

State v Therron Renard Richardson
Sentencing
January 16, 2019

1 write in, as I'm told.

2 MR. DAVIS: Yes, sir. And we would ask you put that
3 whole time in. It was January 24th of 2011.

4 He does have family, Judge. Someone had asked over
5 one of the breaks -- I've been in contact with them. You
6 know, we are now in middle age and I just believe it was
7 his indication to me that he did not wish his family to
8 be here for this, whatever the result might be.

9 But he is not alone. He does have family support.
10 He has three children. One of them has been diagnosed
11 with autism. And for a good portion of his children's
12 lives he, of course, has been away from them.

13 We can't change the mandatory minimum statutory
14 structure, the punishment for this offense. But he now
15 is forty-nine years old, as I am. As I said, three
16 months older than me. We hope -- he seems to be in good
17 health. We hope that he would survive a minimum sentence
18 at eighty-five percent.

19 It's been a few years since I checked but the last
20 time I got stats from the Department of Corrections for
21 the life expectancy from natural causes for males in
22 Department of Corrections, it crested at sixty; may not
23 have even made sixty. I don't say this to be ominous; I
24 say that to be realistic.

25 We understand the jury's verdict, but we would

State v Therron Renard Richardson
Sentencing
January 16, 2019

1 respectfully argue that twenty-five years at eighty-five
2 percent is more than sufficient punishment in this case.
3 So we would ask that you sentence to the minimum. We
4 would ask that you sentence the other two charges
5 concurrently. And we discussed during break I don't
6 believe Mr. Richardson has anything else to add.

7 THE COURT: Very well. Is that correct, Mr.
8 Richardson?

9 MR. RICHARDSON: Yes, sir.

10 THE COURT: Very well. All right. Having heard the
11 case, I -- and I just expressed to the jury my distain
12 for mandatory minimum sentences. I've had them since I
13 became a judge. But I also took an oath to uphold the
14 law of this state and follow the law, notwithstanding my
15 personal opinion about it.

16 And I've reviewed -- of course, heard the case and
17 I've reviewed Judge McDonald's sentence. And, quite
18 frankly, given the circumstances of this case, the
19 quantity, the amounts involved, I think that sentence is
20 appropriate and I think this sentence basically will be
21 to continue what was previously done.

22 The sentence of the Court, then, 2019-879, that's
23 the possession of firearm person convicted of a violent
24 offense. Obviously, he's already maxed that out with the
25 eight year's credit, is five years with credit for eight

State v Therron Renard Richardson
Sentencing
January 16, 2019

1 years. The sentence of the Court on 2011-2320, that's
2 the trafficking, is thirty years with credit for eight
3 years. It is consecutive to 2011-GS-10-2321. And 2011-
4 23 -- I said 21. Its 2000 -- beg your pardon. I'm going
5 to change that.

6 It's not -- 2019 is consecutive to -- no, no. Yeah.
7 The thirty years is consecutive to 2011-2321, which is
8 the possession during commission of a violent crime. The
9 sentence of the Court of 2019-879 is five years,
10 concurrent with the other charges, credit for time
11 served. So, good luck to you, Mr. Richardson.

12 MR. DAVIS: Thank you, sir.

13 MR. SOWARDS: Thank you, Your Honor.

14 MS. FRIERSON: Thank you, Your Honor.

15 THE COURT: Thank you very much.

16 [Whereupon, jury trial concludes at 4:50 p.m.]

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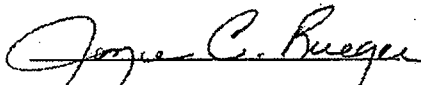
State v Therron Renard Richardson
Certificate of the Court Reporter
January 16, 2019

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 16th day of January, 2019.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

April 2, 2019


Joyce C. Rueger, CVR-M
Court Reporter

Rodney D. Davis

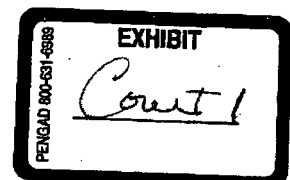
From: Young, Roger <ryoungj@sccourts.org>
Sent: Friday, January 11, 2019 9:59 AM
To: Lauren M. Frierson; Rodney D. Davis; Whit Sowards
Cc: Young, Roger Secretary (Robyn R. Hills); Daniel Summa
Subject: RE: State v. Therron Renard Richardson Suppression Hearing

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

All,

I am denying the motion to suppress. There were exigent circumstances sufficient to support the warrantless entry to the house. The items seized were not in violation of 16-25-70(H) because they were not seized as a result of a warrantless search but rather were the result of a search warrant issued upon a finding of probable cause by a magistrate.

Roger Young





CHARLESTON COUNTY

SEARCH WARRANT

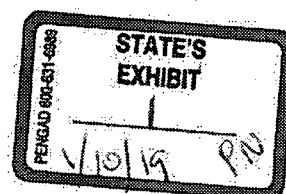
OCA# 2010-017299

ADDRESS:

██████ Old Fort
Charleston, SC 29414

CASE AGENT

Detective T. Plyler
Detective F. Ferguson



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

AFFIDAVIT

Personally appeared before me, one Detective T. Plyler, who, being duly sworn, says that there is probably cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

A quantity of illegal drugs, including but not limited to cocaine. Also any notes, papers, phone tolls, phone toll registers, monies, paraphernalia and any other items used to conduct illegal drug trafficking. Also any items listed or referred to on attached exhibit (a).

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

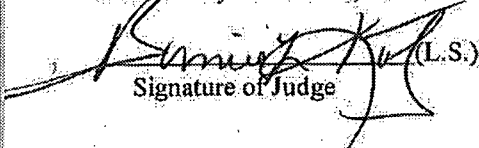
The premises to be searched is located at [REDACTED] Old Fort Avenue, in the West Ashley section of the County and State aforesaid. The residence is described as a two story tan in color dwelling with cream trim and a brown shingled roof. The residence is further described as having the numbers [REDACTED] on the right post of the garage. If traveling Ashley River Road (SC-61) one would turn left onto Woodland Road. One would continue on Woodland Road approximately .5 miles and turn right onto Parsonage Road. One would then travel Parsonage Road approximately .1 mile and turn left onto Old Fort Avenue. The residence is approximately .1 mile on the left. Also to be searched are any persons on the premises, any vehicles owned or operated by persons on the premises and any outbuildings or appurtenances.

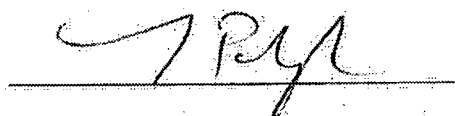
REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Within the last 2 hours, Deputies of the Charleston County Sheriffs Office responded to [REDACTED] Old Fort Avenue in reference to a domestic dispute between girlfriend and boyfriend. The Deputies received information from dispatch that the victim (girlfriend) had been choked by her boyfriend and locked herself inside a bathroom. Upon the Deputies arriving to the scene they knocked on the front door with no answer. Deputies went to the back of the residence and observed the sliding glass door partially open. Deputies entered the residence to look for the victim. Deputies observed in plain view a scale with white residue and a razor blade lying on the bathroom counter in the master bedroom. Deputies also observed numerous guns under the bed in the master bedroom. Deputies also observed a safe with money lying on the floor next to it in the closet of the master bedroom. The white powder substance field tested presumptive for the presence of Cocaine.

It is the affiant's belief as a trained drug investigator that the above-sought property is being stored and facilitated at the above-mentioned premise.

Sworn to and Subscribed before me
this 17th day of October, 2010.

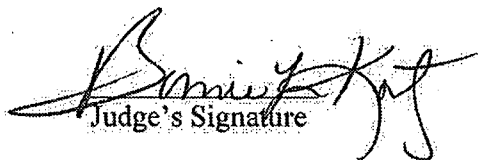
 (L.S.)
Signature of Judge


Affiant

Address 3505 PINEHAVEN DRIVE
CHARLESTON, SC 29405
Phone (843) 202-7700

Exhibit "A"
Property To Be Seized

1. Books, records, notes, ledgers, and other papers relating to the transportation, ordering, purchasing and distribution of controlled substances.
2. Papers, tickets, notes, schedules, receipts and other items relating to domestic and international travel.
3. Books, electronic documents, records, receipts, bank statements and records, money drafts, letters of credit, money orders, and cashier's checks, passbooks, bank checks, safe deposit box keys and other items evidencing the obtaining, secreting, transfer, concealment, and/or expenditure of money.
4. United States currency, precious metals, jewelry and financial instruments, including stocks and bonds in amounts indicative of the proceeds of illegal drug enterprising.
5. Photographs, in particular photographs of conspirators and co-conspirators, of assets and/or controlled substances, still photos, negatives, video tapes, films, undeveloped film and the contents therein, and slides.
6. Papers, records, and any other items showing a combination or relationship among conspirators and co-conspirators by real or alias names, correspondence, papers, records, and any other item showing employment or lack of employment, or reflecting income or expenses.
7. Paraphernalia for packaging, manicuring, weighing and distributing illegal drugs, including, but not limited to, scales, baggies, grinders, diluents, wrapping boxes, and tape.
8. Indicia of occupancy, residency, and/or ownership of the premises described above, including, but not limited to, utility and telephone bills, concealed envelopes and keys.
9. Firearms and ammunitions, including but not limited to, handguns, pistols, revolvers, rifles, shotguns, and other weapons, and any record or receipts pertaining to firearms and ammunition.
10. Controlled Dangerous Substances and related paraphernalia.
11. Receipt for items evidencing the expenditure of the proceeds of drug distribution, including, but not limited to, furniture, and electronic equipment.


Judge's Signature

10/17/10 1:45
Date / Time

CHARLESTON COUNTY SHERIFF'S OFFICE
SEARCH WARRANT RETURN

Page 1 of 3

Case # 2010-017299

I Detective Plyler received the attached Search Warrant on 10/17/2010
(Date mm/dd/yyyy)
and have executed it as follows:
On 10/17/2010 at 02:12 o'clock pm I searched the person of _____
or the premises at Old Fort Ave, Charleston SC which is described in the warrant.
I left a copy of the warrant with Old Fort Ave together with a copy of this receipt for
the items seized. (Name of person searched or location of premises searched)

The following is an Inventory of property taken pursuant to the warrant:

BY WHOM	ITEMS SEIZED	LOCATION
<u>Det. Ferguson</u>	<u>1 glock model 17 SN:AMP726; 1 glock model 22 SN:CUR249 (underneath pillow) 1 intratec 9MM SN:A022967; 1 sig sauer P232 SN:S224516; 1 H&R Inc. SN:AF98440 (underneath bed)</u>	<u>master bedroom</u>
<u>Det. Ferguson</u>	<u>plastic container containing 4 plastic bags containing a white powder substance & a scale cover (underneath bed) 1 samsung camera(top of stand)</u>	<u>master bedroom</u>
<u>Det. Ferguson</u>	<u>2 plastic bags containing a white powder residue; 2 plastic bags containing a white powder substance; 1 plastic bag containing GPM; 2 large spoons (top drawer of sink)</u>	<u>master bathroom</u>
<u>Det. Ferguson</u>	<u>box of value storage bags; box of great value sandwich bags; box of stor it sandwich bags; plastic bag containing numerous small plastic bags; Ohaus CS 5000 scale (top drawer of sink)</u>	<u>master bathroom</u>
<u>Det. Ferguson</u>	<u>4 oz. bottle of Superior Inositol; 1 AWS digital scale; 1 digital CD scale (second drawer of sink) 1 AWS digital scale (top of counter) 1 large plastic bag with white residue (fourth drawer of sink)</u>	<u>master bathroom</u>

The Inventory was made in the presence of: Sgt. York, Deputy Bowen & Riley, Detectives Ferguson, Plyler, Foster, McLean, & Waddell

I swear that this Inventory is a true statement and detailed of all the property taken by me pursuant to the warrant

SWORN to before me this

19th day of Oct 2010

[Signature]
Signature of Officer Executing Warrant

[Signature] (L.S.)
Signature of Judge

**CHARLESTON COUNTY SHERIFF'S OFFICE
SEARCH WARRANT RETURN**

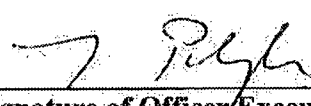
Page 2 of 3Case # 2010-017299

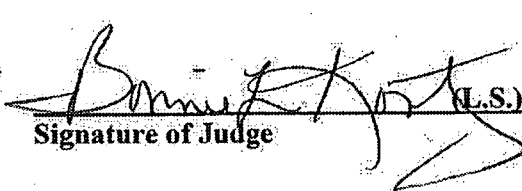
<u>BY WHOM</u>	<u>ITEMS SEIZED</u>	<u>LOCATION</u>
<u>Det. Ferguson</u>	<u>misc. paperwork in the name of Therron Richardson (top of dresser) 1 motorola cell phone (brown box next to dresser) 1 HP laptop SN:CNF8144BMG with power cord, case, & notebook (TV stand next to bed)</u>	<u>master bedroom</u>
<u>Det. Ferguson</u>	<u>U. S. Currency (lying on floor next to safe) numerous clear baggies (shelf inside closet)</u>	<u>closet of master bedroom</u>
<u>Det. Ferguson</u>	<u>Blue money bag labeled Lazy Man with U. S. Currency in mixed denominations; one letter addressed to Takie; State Farm Insurance Folder with misc. paperwork (lying on floor next to bed)</u>	<u>master bedroom</u>
<u>Det. Ferguson</u>	<u>misc. paperwork and water bill in the name of Therron Richardson (top left drawer left of stove) 1 Seal a Meal (under counter next to stove)</u>	<u>kitchen</u>
<u>Det. Ferguson</u>	<u>U.S. Currency in mixed denominations; SCID for Claunce Mazyck; Social Security Card & Birth Certificate for Therron Richardson; 2 vehicle titles; misc. paperwork (inside safe)</u>	<u>closet of master bedroom</u>
<u>Det. Ferguson</u>	<u>3 gold boxes containing jewelry (inside safe) Rooms to go and Roomstore paperwork; plastic bag with misc. paperwork (on shelf)</u>	<u>closet of master bedroom</u>
<u>Det. Ferguson</u>	<u>1 RCA DVD player SN:DRC247N; 1 67" Samsung TV SN:AJHJ3CKP900923E (tv stand) playstation PS2 w/ 2 controllers; E rocker gaming chair (floor)</u>	<u>upstairs den</u>

I swear that this Inventory is a true statement and detailed of all the property taken by me pursuant to the warrant

SWORN to before me this

19th day of Oct. 2010


Signature of Officer Executing Warrant

 (J.S.)
Signature of Judge

**CHARLESTON COUNTY SHERIFF'S OFFICE
SEARCH WARRANT RETURN**

Page 3 of 3Case # 2010-017299

<u>BY WHOM</u>	<u>ITEMS SEIZED</u>	<u>LOCATION</u>
<u>Det. Ferguson</u>	<u>1 Pro-form elyptical; 1 bed; 1 dresser; 1 RCA 32" TV SN:H166S5C40</u>	<u>master bedrrrom</u>
<u>Det. Ferguson</u>	<u>2 glass top end tables; 1 glass top coffee table; 1 leather couch; 1 leather chair; 1 leather love seat (floor)</u>	<u>living room</u>
<u>Det. Ferguson</u>	<u>1 table with glass top; 4 chairs (floor)</u>	<u>dining room</u>
<u>Det. Ferguson</u>	<u>1 Gateway Computer w/ monitor SN: GCL7441004822 (top of computer stand)</u>	<u>office/dining room</u>
<u>Det. Ferguson</u>	<u>1 Kawasaki 19.2 volt drill set w/ case Model #840051 (top shelf) Whirlpool duet sport set dryer Model WED8300SW1 SN:MW0926927; wahser Model WFW8300SW03 SN:HL114653647 (floor)</u>	<u>laundry room</u>
<u>Det. Ferguson</u>	<u>business license in truck VIN:1B7HCI3Z8YJH0150 (dashboard); 1 Dodge Ram truck</u>	<u>Dodge Ram SC plate LAZYMAN</u>
<u>Det. Ferguson</u>	<u>1 Bissell Pro Heat (floor)</u>	<u>Bedroom 2</u>
<u>*****</u>	<u>*****NOTHING FURTHER*****</u>	<u>*****</u>

I swear that this Inventory is a true statement and detailed of all the property taken by me pursuant to the warrant

SWORN to before me this

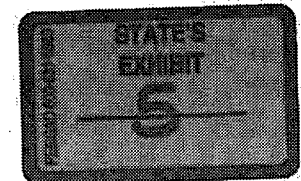
19th day of Oct. 2010

7 Rye
Signature of Officer/Executing Warrant

Bonnie K. [Signature] (L.S.)
Signature of Judge

Law Agency Incident Report

Incident Number: 201000117207 Base Response #: Response Date: 10/17/2010 11:09:07 Priority: 2 LP2-Delta Incident Type: 114D01	Method Of Call Rcvd: 911 Call Back Phone: 843-637-3486 Caller Type: Caller Name: Tamiika Wilson Caller Loc Name: Caller Address: Caller Apt/Bldg #: Caller City, State, Zip: Caller County:	Call Rcvd To In-Queue: 00:01:24 Call Rcvd To Call Taking Done: 00:02:56 In-Queue To First Assign: 00:04:42 Call Rcvd To First Assign: 00:06:06 Assigned To First Enroute: 00:01:12 Enroute To First At Scene: 00:08:34 Call Rcvd To Call Closed: 06:30:48
Confirmation #: Jurisdiction: Sheriff-CCSO Division: SOD7 Battalion: SOD7	Time Phone Pick Up: 10/17/2010 11:09:07 Time 1st Call Taking Key Strok: 10/17/2010 11:09:07 Time Call Entered Queue: 10/17/2010 11:10:31 Time Call Taking Completed: 10/17/2010 11:12:03	Time Incident Under Control: Time Call Closed: 10/17/2010 17:39:55 Time Sent To Other CAD:
Station: Response Area: CCSO 760 Response Plan: LL02 Incident Type: 114D01	Time First Unit Assigned: 10/17/2010 11:15:13 Time First Unit Enroute: 10/17/2010 11:16:25 Time First Unit Arrived: 10/17/2010 11:24:59	Call Taking Performed By: Cousino, Miriam J (F) Call Closing Performed By: Stanley, Patricia E
Problem: 114_Domestic Physical Location Name: Address: Old Fort Av Apt/Bldg #: / City, State, Zip: CHARLESTON SC 29414 County: Charleston Location Type: Cross Street: FRUITWOOD AV/LAKE AV	Authorization #: Patient Name: Receiving Physician: Referring Physician: Request P/U Time: Promised P/U Time: Appointment Time:	Command Channel: Primary TAC Channel: Alternate TAC Channel: Call Disposition: LCCR-Call Comp/ Report Taken Performed By: Stanley, Patricia E Cancel Reason:
		ANI/ALI Address: ANI/ALI City: Charleston ANI/ALI Phone: 9111434620 ANI/ALI Time Rcvd: 10/17/2010 11:09:05



Law Agency Incident Report

Vehicles Assigned...

Radio Name	Response Number	Unit Response	Priority	Assigned	Enroute	At Scene	Staged	Patient Contact	Delay Avail	Call Cleared	Cancel Reason
SO133		LP2-Delta		11:15:13	11:16:25	11:24:59				17:39:55	
SO207		LP2-Delta		13:59:14	13:59:20	13:59:22				17:08:52	
SO254		LP2-Delta		11:15:24	11:16:27	11:27:00				11:57:57	
SO273		LP2-Delta		11:21:12	11:21:12	12:32:36				17:19:52	
SO278		LP2-Delta		16:45:44	16:45:48	17:24:26				17:32:59	
SO72		LP2-Delta		11:31:42	11:31:46	11:31:48				17:39:55	

Transport Destination Information...

Radio Name	Location Name	Address,Bldg,Apt,City,State	Phone	Transport Mileage	Depart Scene	Arrive Destination	Cleared This Destination
------------	---------------	-----------------------------	-------	-------------------	--------------	--------------------	--------------------------

Special Equipment...

Special Equipment	IV	EKG	Oxygen	Family Rider	Paramedic	Wheel Chair	Restraint	Suction
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Changed Address...

Time	Location Name	Address	Apartment	Building	City	State	Postal Code	County	Performed By
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Date: 2/1/2012 Time: 09:46:03 Operator: TVM Program EditMgr.exe Incident Number: 201000117207 Page: 2

Law Agency Incident Report

Priority Changed.

Fixed Date Time	Time	Priority	Performed By	Reason For Change
-----------------	------	----------	--------------	-------------------

Changed Transport Destination...

Time	Changed From	Changed To	Personnel Initial	Reason	Terminal
------	--------------	------------	-------------------	--------	----------

Transport Priority Changed...

Time	Changed From	Changed To	Personnel Initial	Reason	Terminal
------	--------------	------------	-------------------	--------	----------

Comments...

Date Time	Performed By	Comment Type	Comment
10/17/2010 11:10:01	MJC	Response	[ProQA: Case Entry Complete:] Location: [REDACTED] OLD FORT AV Callback: 911-143-4620 Caller's name: Tamika Wilson Problem Description: domestic b/w gf and bf Chief complaint: 114
10/17/2010 11:09:07	SYS	Response	Wireless Call 9111434620
10/17/2010 11:09:07	SYS	Response	WIRELESS CALL QUERY CALLER FOR LOCATION QUERY CALLER FOR PHONE #
10/17/2010 11:11:25	MJC	Response	pt locked herself in the front bedroom...
10/17/2010 11:11:49	MJC	Response	comp adv'd male now trying to get in bedroom...hung up....cannot call back....disconnected cell phone.....

Date: 2/1/2012

Time: 09:46:03

Operator: TVM

Program EditMgr.exe

Incident Number: 201000117207

Page: 3

Law Agency Incident Report

10/17/2010 11:11:53	MIC	Response	[ProQA Summary:] Case Information Case number: 0910003013 Location: [REDACTED] OLD FORT AV Callback number: 911-143-4620 Problem: domestic b/w gf and bf Patients: 0 Operator: MIC Four commandment Information Age: Gender: Conscious: Breathing: Chief complaint: 114 Dispatch information Recommended dispatch: 114-D-1 Actual dispatch: 114-D-1 Medical Response: Delta Responder script Dispatch code: 114-D-1 Dispatch level: Delta Key Question Answers 1. ECHO was not selected from Cause Entry. 2. The caller is on scene and is the victim/suspect (1st party). 3. This incident just occurred. 4. This incident is in progress. 5. This incident just occurred. 6. The suspect has access to weapons. 7. The suspect does not have access to weapons. 8. This incident involves a physical disturbance. 9. The caller is in immediate danger. Backed up SO133 with SO273 SC-LAZYMAN EMERGENCY TRAFFIC ONLY OPEN DOOR 637-3486 - # ON VEHICLE OUTSIDE RESUME NORMAL TRAFFIC NO ONE AT THE LOCATION RICHARDSON, THERRON R RICHARDSON, SHARMANE
		Response	
		Response	
		Response	
		Response	
		Response	
		Response	
		Response	
		Response	
		Response	
		Response	
10/17/2010 11:21:13	PES	Response	
10/17/2010 11:28:12	PES	Response	
10/17/2010 11:29:15	PES	Response	
10/17/2010 11:29:17	PES	Response	
10/17/2010 11:32:33	PES	Response	
10/17/2010 11:33:29	PES	Response	
10/17/2010 11:33:33	PES	Response	
10/17/2010 11:42:00	PES	Response	
10/17/2010 11:42:26	PES	Response	

Date: 2/1/2012 Time: 09:46:03

Operator: TVM

Program EditMgr.exe

Incident Number: 201000117207

Page: 4

Law Agency Incident Report

10/17/2010 11:44:33	MJC	Response	cpd op9 having her officer on scene @ [redacted] a n romney to see if he/she can find another cell phone and call to see if it is disconnected and whether or not it is the same phn..... and whether or not there is a prior resd hx at this location.....
10/17/2010 11:46:10	MJC	Response	cell phones at both locations hit in the exact same area off of n romney st.....
10/17/2010 11:53:00	MJC	Response	per cpd op9.....officers have left the scene at [redacted] a n romney st.....at the hosp now waiting on pt.....adv if anyone else goes to location, they will check the other cell phones.....
10/17/2010 12:28:04	PES	Response	Requested Case Number(s) issued for Sheriff-CCSO: 2010-017299.
10/17/2010 12:33:06	PES	Response	OPR 23 W/001 GIVEN BOLO FOR WHITE TAHOE, BM DRIVER, GRN PHILLY EAGLES SYMBOL ON THE SIDE OR BACK GLASS
10/17/2010 12:48:06	PES	Response	NEIGHBORS ADV 72 THAT THE MALE CAME BACK AND LET THE K9 OUT WHILE THE UNITS WERE INSIDE. CLEARING THE RESIDENCE
10/17/2010 12:49:21	PES	Response	ADV ADT IN REF TO ATL KH FOR OPEN BACK DOOR
10/17/2010 14:59:22	PES	Response	GLOCK CUR249 - 40
10/17/2010 14:59:53	PES	Response	GLOCK AMP726 - 9
10/17/2010 15:00:42	PES	Response	SIG SAUER - S224516 - 9
10/17/2010 15:03:26	PES	Response	SW - AF98440 - 32
10/17/2010 15:03:44	PES	Response	INTRATEC - A022967 - 9
10/17/2010 16:30:36	PES	Response	SO72 ADV CONTACT ANIMAL CONTROL REF TO 2 FERRETS AND SEE IF THEY WILL PICK UP

Response Alarms...

Date Time	Alarm Number	Performed By
-----------	--------------	--------------

User Time Stamps...

TimeStamp Description	Time	Performed By
-----------------------	------	--------------

Audit...

Date Time	Reason	Request Comment	Disposition	Requested By	Performed By
-----------	--------	-----------------	-------------	--------------	--------------

User Data...

Field Description	Field Data
-------------------	------------

Dispositions...

Disposition	Time Set	Performed By
LCCR-Call Comp/ Report Taken	10/17/2010 17:39:55	Stanley, Patricia E
LCCR-Call Comp/ Report Taken	10/17/2010 17:39:55	Stanley, Patricia E

Law Agency Incident Report

Date: 2/1/2012 Time: 09:46:03 Operator: TVM

Program EditMgr.exe Incident Number: 201000117207

Page: 6

STK20110100427

WITNESSES

PLYER

Charleston County Sheriff

AGENCY CASE NUMBER

2010017299B

ARREST WARRANT NUMBER

K684132

DATE OF ARREST

January 24, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

APR 04 2011

VERDICT

Guilty

Foreperson of Grand Jury

INDICT

DOCKET NO. 2011GS1002320

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

April Term 2011

THE STATE

vs.

THERRON RENARD RICHARDSON

DOB: 1969-

B/M

Indictment for

Trafficking Cocaine

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on April 4, 2011 the Grand Jurors of Charleston County present upon their oath:

Trafficking Cocaine

That in Charleston County, South Carolina, on or about October 17, 2010, the Defendant, THERRON RENARD RICHARDSON, unlawfully and knowingly did sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did possess or attempt to possess a controlled substance or a controlled substance analogue, to wit: Cocaine, in excess of 400 grams; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JAMES P. STACK
ASSISTANT SOLICITOR

STK20110100427

WITNESSES

PLYER

Charleston County Sheriff

AGENCY CASE NUMBER

2010017299B

ARREST WARRANT NUMBER

K684138

DATE OF ARREST

January 24, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

APR 04 2011

VERDICT

Guilty

Foreperson of Petit Jury

INDICT

DOCKET NO. 2011GS1002321

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

April Term 2011

THE STATE

VS.

THERRON RENARD RICHARDSON

DOB: 1969

B/M

Indictment for

Possession of a Firearm during the
Commission of a Violent Crime

585

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on April 4, 2011 the Grand Jurors of Charleston County present upon their oath:

Possession of a Firearm during the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about October 17, 2010, the Defendant, THERRON RENARD RICHARDSON, did possess a firearm during the commission, or attempted commission, of Trafficking Cocaine, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JAMES P. STACK
ASSISTANT SOLICITOR

JWS/0202838/20110100427
WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER
2010017299B

ARREST WARRANT NUMBER
2019-GS-10-00879

DATE OF ARREST

01/24/2011

AGONY OF GRAND JURY
TRUE BILL

Sam J. R. JAN 09 2019
Foreperson of Grand Jury Date:

VERDICT

Guilty

W. M. M. TRANSMASIE 1-16-2019
Foreperson of Petit Jury Date:

DOCKET NO. 2019-GS-10-00879

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

JANUARY 2019 TERM

THE STATE

VS.

THERRON RENARD RICHARDSON
B/M DOB: [REDACTED] 1969

Indictment for

**POSSESSION OF A FIREARM BY A
PERSON CONVICTED OF A VIOLENT
OFFENSE**

SC Code: § 16-23-0500(A)
CDR Code: 3434

STATE OF SOUTH CAROLINA

INDICTMENT

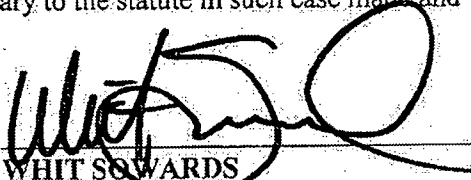
COUNTY OF CHARLESTON

At a Court of General Sessions, convened January 2019, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE

That in Charleston County, South Carolina, on or about October 17, 2010, the Defendant, Therron Renard Richardson, having previously been convicted of a violent crime as defined in SC Code Section 16-1-60 that is classified as a felony, to wit: Trafficking Cocaine Base, did possess a firearm or ammunition in violation of Section 16-23-500 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WHIT SOWARDS
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of February, 2020.

RECEIVED
FEB 24 2020
SC Court of Appeals